

servance bill, so called; to the Committee on the District of Columbia.

3646. Also, petition of George Gowell and 52 other residents of Battle Creek, Mich., protesting against the passage of Senate bill 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

3647. Also, petition of Charles Pritchett and 16 other residents of Battle Creek, Mich., protesting against the passage of Senate bill 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

3648. Also, petition of L. F. Westfall and 22 other residents of Hillsdale County, Mich., protesting against the passage of Senate bill 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

## SENATE

WEDNESDAY, February 4, 1925

(Legislature day of Tuesday, February 3, 1925)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The PRESIDENT pro tempore. The Senate will receive a message from the House of Representatives.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes; that the House has receded from its disagreement to the amendments of the Senate Nos. 8, 15, and 23 to the said bill; and that the House had receded from its disagreement to the amendment of the Senate No. 25 and concurred therein with an amendment, in which it requested the concurrence of the Senate.

The message also communicated to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. SIDNEY E. MUDD, late a Representative from the State of Maryland.

The message further communicated to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. EDWARD C. LITTLE, late a Representative from the State of Kansas.

### ENROLLED BILLS SIGNED

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 26. An act to compensate the Chippewa Indians of Minnesota for lands disposed of under the provisions of the free homestead act;

H. R. 1326. An act for the relief of Clara T. Black;

H. R. 1717. An act authorizing the payment of an amount equal to six months' pay to Joseph J. Martin;

H. R. 1860. An act for the relief of Fannie M. Higgins;

H. R. 2258. An act for the relief of James J. McAllister;

H. R. 2313. An act authorizing the issuance of a patent to William Brown;

H. R. 2806. An act for the relief of Emil L. Flaton;

H. R. 2811. An act to amend section 7 of the act of February 6, 1909, entitled "An act authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes";

H. R. 2958. An act for the relief of Isaac J. Reese;

H. R. 2977. An act for the relief of H. E. Kuca and V. J. Koupal;

H. R. 3348. An act authorizing the Secretary of the Treasury to pay a certain claim as the result of damage sustained to the marine railway of the Greenport Basin & Construction Co.;

H. R. 3387. An act authorizing repayment of excess amounts paid by purchasers of certain lots in the town site of Sanish, formerly Fort Berthold Indian Reservation, N. Dak.;

H. R. 3411. An act for the relief of Mrs. John P. Hopkins;

H. R. 3595. An act for the relief of Daniel F. Healy;

H. R. 3913. An act to refer the claims of the Delaware Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States;

H. R. 4280. An act for the relief of the Chamber of Commerce of the City of Northampton, Mass.;

H. R. 4290. An act for the relief of W. F. Payne;

H. R. 4374. An act for the relief of the American Surety Co. of New York;

H. R. 4461. An act to provide for the payment of certain claims against the Chippewa Indians of Minnesota;

H. R. 5096. An act to authorize the incorporated town of Sitka, Alaska, to issue bonds in any sum not exceeding \$25,000 for the purpose of constructing a public-school building in the town of Sitka, Alaska;

H. R. 5423. An act to amend section 2 of the act of August 1, 1888 (25 Stat. L. p. 357);

H. R. 5448. An act for the relief of Clifford W. Seibel and Frank A. Vestal;

H. R. 5752. An act for the relief of George A. Petrie;

H. R. 5762. An act for the relief of Julius Jonas;

H. R. 5774. An act for the relief of Beatrice J. Kettlewell;

H. R. 5819. An act for the relief of the estate of the late Capt. D. H. Tribou, chaplain, United States Navy;

H. R. 5967. An act for the relief of Grace Buxton;

H. R. 6303. An act to authorize the governor and commissioner of public lands of the Territory of Hawaii to issue patents to certain persons who purchased Government lots in the district of Waiakea, island of Hawaii, in accordance with act 33, session laws of 1915, Legislature of Hawaii;

H. R. 6328. An act for the relief of Charles F. Peirce, Frank T. Mann, and Mollie V. Gaither;

H. R. 6660. An act for the relief of Picton Steamship Co. (Ltd.), owner of the British steamship *Picton*;

H. R. 6755. An act granting six months' pay to Maude Morrow Fechteler;

H. R. 7239. An act authorizing the Secretary of the Interior to pay certain funds to various Wisconsin Pottawatomi Indians;

H. R. 7249. An act for the relief of Forrest J. Kramer;

H. R. 7399. An act to amend section 4 of the act entitled "An act to incorporate the National Society of the Sons of the American Revolution," approved June 9, 1906;

H. R. 8086. An act to amend the act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915," approved August 1, 1914;

H. R. 8258. An act for the relief of Capt. Frank Geere;

H. R. 8329. An act for the relief of Albert S. Matlock;

H. R. 8727. An act for the relief of Roger Sherman Hoar;

H. R. 8893. An act for the relief of Juana F. Gamboa;

H. R. 8965. An act for the relief of the Omaha Indians of Nebraska;

H. R. 9138. An act to authorize the discontinuance of the seven-year regauge of distilled spirits in bonded warehouses, and for other purposes;

H. R. 9162. An act to amend section 128 of the Judicial Code relating to appeals in admiralty cases;

H. R. 9380. An act granting the consent of Congress to Board of County Commissioners of Aitkin County, Minn., to construct a bridge across the Mississippi River;

H. R. 9327. An act to extend the time for the construction of a bridge across the Rock River in the State of Illinois;

H. R. 10030. An act granting the consent of Congress to the Harrisburg Bridge Co., and its successors, to reconstruct its bridge across the Susquehanna River, at a point opposite Market Street, Harrisburg, Pa.;

H. R. 10150. An act to revive and reenact the act entitled "An act to authorize the construction of a bridge across the Tennessee River at or near the city of Decatur, Ala.," approved November 19, 1919;

H. R. 10645. An act granting consent of Congress to the Valley Bridge Co. for construction of a bridge across the Rio Grande near Hidalgo, Tex.;

H. R. 10688. An act granting the consent of Congress to the State of North Dakota to construct a bridge across the Missouri River between Williams County and McKenzie County, N. Dak.;

H. R. 10689. An act granting the consent of Congress to the State of North Dakota to construct a bridge across the Missouri River between Mountrail County and McKenzie County, N. Dak.;

H. R. 11036. An act extending the time for the construction of the bridge across the Mississippi River in Ramsey and Hennepin Counties, Minn., by the Chicago, Milwaukee & St. Paul Railway Co.; and

H. R. 11501. An act for the exchange of land in El Dorado, Ark.

## NAVY DEPARTMENT APPROPRIATIONS

Mr. HALE. I ask the Chair to lay before the Senate the action of the House of Representatives on House bill 10724.

The PRESIDENT pro tempore. The Chair lays before the Senate the action of the House of Representatives on the bill which the clerk will read.

The reading clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES,  
February 3, 1925.

*Resolved*, That the House recedes from its disagreement to the amendments of the Senate Nos. 8, 15, and 23 to the bill (H. R. 10724) entitled "An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes," and concur therein.

That the House recedes from its disagreement to the amendment of the Senate No. 25, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following: "The President is requested to invite the Governments with which the United States has diplomatic relations to send representatives to a conference to be held in the city of Washington, which shall be charged with the duty of formulating and entering into a general international agreement by which armaments for war, either upon land or sea, shall be effectually reduced and limited in the interest of the peace of the world and the relief of all nations from the burdens of inordinate and unnecessary expenditures for the provision of armaments and the preparation for war."

Mr. HALE. I move that the Senate agree to the amendment of the House to Senate amendment numbered 25. It is an amendment agreed on by the conferees, but simply had to be acted on by the House before it came to the Senate.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Maine that the Senate agree to the amendment of the House to Senate amendment numbered 25.

The motion was agreed to.

## CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Clerk will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McCormick	Shortridge
Ball	Fess	McKellar	Simmons
Bayard	Fletcher	McKinley	Smith
Bingham	Frazier	McLean	Smoot
Borah	George	McNary	Spencer
Brookhart	Gerry	Mayfield	Stanfield
Broussard	Glass	Means	Stanley
Bruce	Gooding	Metcalf	Sterling
Bursum	Greene	Moses	Swanson
Cameron	Hale	Neely	Trammell
Capper	Harrell	Norbeck	Underwood
Caraway	Harris	Norris	Wadsworth
Copeland	Harrison	Oddie	Walsh, Mass.
Couzens	Heflin	Overman	Walsh, Mont.
Cummins	Howell	Pepper	Warren
Curtis	Johnson, Calif.	Phipps	Watson
Dale	Johnson, Minn.	Pittman	Weller
Dial	Jones, N. Mex.	Ransdell	Wheeler
Dill	Jones, Wash.	Reed, Mo.	Willis
Edge	Kendrick	Reed, Pa.	
Edwards	King	Sheppard	
Ernst	Ladd	Shipstead	

The PRESIDENT pro tempore. Eighty-five Senators have answered to the roll call. There is a quorum present.

## INCREASED FREIGHT CLASSIFICATIONS (S. DOC. NO. 193)

The PRESIDENT pro tempore laid before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting, in compliance with Senate Resolution 314 (agreed to January 26, 1925), a statement showing the present and proposed increased ratings on certain canned foods named in the resolution, together with the approximate percentages of increase which would result from the proposed changes, which was ordered to lie on the table and to be printed.

## CHILD LABOR

The PRESIDENT pro tempore laid before the Senate a joint resolution of the Legislature of Arizona ratifying the proposed amendment to the Constitution relative to the limitation, regulation, and prohibition of labor of persons under 18 years of age, which was referred to the Committee on the Judiciary.

[Duplicate printed in full in the proceedings of February 3, 1925, when presented by Mr. CAMERON.]

Mr. ASHURST presented a joint resolution of the Legislature of Arizona ratifying the proposed amendment to the

Constitution relative to the limitation, regulation, and prohibition of labor of persons under 18 years of age, which was referred to the Committee on the Judiciary.

[Duplicate printed in full in the proceedings of February 3, 1925, when presented by Mr. CAMERON.]

## PROPOSED UNIVERSAL DRAFT LAW

Mr. WILLIS presented resolutions adopted by Robert E. Bentley Post, American Legion, Department of Ohio, at Cincinnati, Ohio, favoring the passage of legislation to remedy for the future the condition of those who volunteer or are drafted to bear arms and are returned to civil life handicapped in the effort to reestablish themselves, etc., which were referred to the Committee on Military Affairs.

## REPORTS OF COMMITTEES

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (H. R. 5084) to amend the national defense act approved June 13, 1916, as amended by the act of June 4, 1920, relating to retirement, and for other purposes, reported it with amendments and submitted a report (No. 986) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 3765) to authorize a five-year building program for the public-school system of the District of Columbia which shall provide school buildings adequate in size and facilities to make possible an efficient system of public education in the District of Columbia, reported it with amendments and submitted a report (No. 987) thereon.

He also, from the Committee on Claims, to which was referred the bill (S. 4016) for the relief of the Royal Holland Lloyd, a Netherland corporation of Amsterdam, the Netherlands, reported it without amendment and submitted a report (No. 988) thereon.

Mr. STANFIELD, from the Committee on Claims, to which was referred the bill (S. 3618) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols, reported it with an amendment and submitted a report (No. 989) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 2441) for the relief of R. Clyde Bennett, reported it with an amendment and submitted a report (No. 990) thereon.

He also, from the same committee, to which was referred the bill (S. 436) making appropriation for payment of claims of John Sevier, sr., and John Sevier, jr., in accordance with report and findings in the Court of Claims as reported in House Documents Nos. 1302 and 131, under the provisions of the act approved March 3, 1883, known as the Bowman Act, submitted an adverse report (No. 991) thereon.

Mr. HALE, from the Committee on Naval Affairs, to which was referred the bill (H. R. 11282) to authorize an increase in the limits of cost of certain naval vessels, reported it without amendment and submitted a report (No. 992) thereon.

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (S. 449) for the relief of Katherine Southerland, reported it with an amendment and submitted a report (No. 993) thereon.

Mr. BALL, from the Committee on the District of Columbia, to which was referred the bill (S. 4191) to permit the merger of street railway corporations operating in the District of Columbia, and for other purposes, reported it without amendment and submitted a report (No. 994) thereon.

Mr. McCORMICK, from the select committee on 9-foot channel from the Great Lakes to the Gulf (pursuant to Senate Resolution 411, Sixty-seventh Congress), appointed to consider the construction of a 9-foot channel in the Illinois River from the terminus of the Illinois waterway near Utica, Ill., to its confluence with the Mississippi River at Grafton, and for the maintenance of the channel of the Mississippi River from the mouth of the Illinois to the mouth of the Ohio at or near Cairo, submitted a report (No. 995) thereon, accompanied by an illustration.

Mr. JONES of Washington, from the Committee on Commerce, to which was referred the bill (S. 4045) granting the consent of Congress to W. D. Comer and Wesley Vandercook to construct a bridge across the Columbia River between Longview, Wash., and Rainier, Ore., reported it with amendments and submitted a report (No. 996) thereon.

Mr. SPENCER, from the Committee on the Judiciary, to which was recommended the bill (S. 3213) to incorporate the American War Mothers, reported it without amendment.

He also, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3379) providing for the sale and disposal of public lands within the area heretofore surveyed as Boulder Lake, in the State of Wisconsin, reported it with an amendment and submitted a report (No. 997) thereon.

Mr. COPELAND, from the Committee on the District of Columbia, reported a bill (S. 4227) to extend the provisions of Title II of the food control and District of Columbia rents act as amended; to prevent fraudulent transactions respecting real estate; to create a real estate commission for the District of Columbia; to define, regulate, and license real-estate brokers and real-estate salesmen; to provide a penalty for a violation of the provisions hereof; and for other purposes, which was read twice by its title.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MOSES:

A bill (S. 4215) for the relief of Capt. Douglas E. Dismukes, United States Navy; to the Committee on Naval Affairs.

By Mr. COPELAND:

A bill (S. 4216) to extend to poultry the provisions of the meat inspection act; to the Committee on Agriculture and Forestry.

By Mr. PEPPER:

A bill (S. 4217) granting the consent of Congress to the Susquehanna Bridge Co. and its successors to construct a bridge across the Susquehanna River between the borough of Wrightsville, in York County, Pa., and the borough of Columbia, in Lancaster County, Pa.; to the Committee on Commerce.

By Mr. JONES of Washington:

A bill (S. 4218) relating to contracts dealing with real estate on Indian reservations; to the Committee on Indian Affairs.

By Mr. TRAMMELL:

A bill (S. 4219) for the erection of a public building for a post office and other purposes at Marianna, Fla.;

A bill (S. 4220) for the purchase of a site and the erection of a post-office building thereon at Panama City, Fla.; and

A bill (S. 4221) for the purchase of a site and the erection of a building thereon at Chipley, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. BURSUM:

A bill (S. 4222) granting an increase of pension to Mary Hare Mason; and

A bill (S. 4223) granting an increase of pension to Matilda Miller; to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 4224) to amend section 2 of the act of June 7, 1924 (Public, No. 270), entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes," in order to promote the continuous production of timber on lands chiefly suitable therefor; to the Committee on Agriculture and Forestry.

By Mr. FERRIS:

A bill (S. 4225) to extend the times for commencing and completing the construction of a bridge across Detroit River within or near the city limits of Detroit, Mich.; to the Committee on Commerce.

By Mr. FERNALD:

A bill (S. 4226) granting an increase of pension to Emma J. Bickford (with accompanying papers); to the Committee on Pensions.

#### PUBLIC BUILDINGS IN THE DISTRICT OF COLUMBIA

Mr. SMOOT submitted an amendment intended to be proposed by him to the bill (H. R. 11791) to provide for the construction of certain public buildings, and for other purposes, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

#### DETAIL OF RETIRED OFFICERS TO EDUCATIONAL INSTITUTIONS

Mr. COPELAND submitted an amendment intended to be proposed by him to the bill (H. R. 5084) to amend the national defense act, approved June 13, 1916, as amended by the act of June 4, 1920, relating to retirement, and for other purposes, which was ordered to lie on the table and to be printed.

#### INTEREST UPON NOTES OF COMMON CARRIERS

Mr. McLEAN submitted an amendment intended to be proposed by him to the bill (S. 3772) to authorize the reduction of and to fix the rate of interest to be paid by carriers upon notes or other evidences of indebtedness heretofore issued under the provisions of section 207 of the transportation act, 1920, or section 210 of said act, as amended by an act approved June 5, 1920, which was referred to the Committee on Interstate Commerce and ordered to be printed.

#### AMENDMENTS TO RIVERS AND HARBORS BILL

Mr. JONES of Washington submitted two amendments intended to be proposed by him to the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

Mr. EDGE submitted an amendment intended to be proposed by him to the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, which was referred to the Committee on Commerce and ordered to be printed.

Mr. CAMERON (for Mr. LENROOT) submitted an amendment intended to be proposed to the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

#### PROPOSED ISLE OF PINES INVESTIGATION

Mr. COPELAND. I submit a resolution which I ask may be read and referred to the Committee on Foreign Relations.

The resolution (S. Res. 324) was read and referred to the Committee on Foreign Relations, as follows:

Whereas the debate on the Isle of Pines treaty has developed that the national and property rights of American citizens are involved; and

Whereas one article of the pending treaty alleges that relinquishment of title to the Island of Pines is in consideration of the grants of coaling and naval stations in the Island of Cuba; and

Whereas the Virgin Islands may be better situated for the Caribbean coaling and naval stations, as well as for naval maneuvers; and

Whereas the protection of the Panama Canal and our entire national policy as to the Caribbean is involved in the pending treaty and the conditions growing out of its adoption or rejection: Be it

*Resolved*, That a committee of five Senators be appointed to inquire into all the circumstances connected with the Isle of Pines treaty, its effects upon the national and property rights of American citizens, and to report to the Senate such recommendations as it may determine to be the duty and to the interests of the United States.

*Resolved*, That this committee be authorized to take testimony and, if need be, to visit the Caribbean, to the end that a detailed report may be made to the Senate on all the subjects mentioned in this resolution, not later than December 15, 1925.

*Resolved*, That the Secretary of the Navy be requested to assist the committee in every proper way.

#### OPERATIONS IN WHEAT, FLOUR, AND BREAD

Mr. CAMERON submitted the following resolution (S. Res. 325), which was referred to the Committee on Agriculture and Forestry:

Whereas it appears from the public press that preparations are under way to increase the price of bread to the consumer; and

Whereas the high price of wheat is given as the reason for increasing the price of bread: Now, therefore, be it

*Resolved*, That for the purpose of providing the Congress with information to serve as a basis for such legislation, as in its opinion may be found necessary for the regulation of improper practices in the manipulation of prices of wheat, flour, and bread, the Federal Trade Commission is authorized and directed to investigate (in pursuance of the powers conferred upon it by subdivision (d) of section 6 of the act entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914, as amended, and in pursuance of any other power conferred upon it by such act) the facts relating to (a) alleged corporate violations of the anti-trust laws in respect of operations in wheat, flour, and bread; and (b) the relation of such anti-trust law violations to the demand for and the supply of wheat, flour, and bread, prices of and profits in wheat, flour, and bread, and the methods of marketing wheat, flour, and bread in interstate and foreign commerce. The commission is directed to report to the Senate as soon as

practicable the results of its investigations in pursuance of this resolution.

The Secretary of Commerce and the Secretary of Agriculture are requested to furnish the Senate, as soon as practicable, such information as they may have concerning the world's supply of wheat.

MEMORIAL TO THEODORE ROOSEVELT

The PRESIDING OFFICER (Mr. JONES of Washington in the chair) laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 135) granting permission to the Roosevelt Memorial Association to procure plans and designs for a memorial to Theodore Roosevelt, which was, on page 2, line 10, to strike out "1925" and insert "1926."

Mr. PEPPER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

VALIDATION OF PUBLIC-LAND ENTRIES, ETC.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2975) validating certain applications for and entries of public lands, and for other purposes, which were on page 3, after line 24, to insert:

Homestead entry, Bismarck, N. Dak., No. 019975, made by Thomas J. Fox on August 15, 1918, for lot 4 of section 6, township 148 north, range 83 west, fifth principal meridian, and lot 1 of section 1, township 148 north, range 84 west, fifth principal meridian.

Homestead entries, Helena, Mont., Nos. 020678 and 021942, made by Charles A. Kranich, for the southeast quarter of the northwest quarter, southwest quarter of the northeast quarter, north half of the southeast quarter and southeast quarter of the southeast quarter, section 30, township 18 north, range 6 west, Montana principal meridian.

Homestead entry, Glasgow, Mont., No. 051366, made by Karl T. Larson on September 21, 1917, for lot 8 of section 29, lots 5 and 6 of section 28, and lot 2 of section 33, township 28 north, range 53 east, Montana principal meridian, such patent to be issued to the heirs of Karl T. Larson, deceased.

Page 7, after line 5, insert the following:

Sec. 10. That Richard Walsh, to whom patent issued on July 10, 1922, for a farm unit under the Klamath irrigation project, be permitted to reconvey the land to the United States and to make entry for a farm unit in another division of the project, the amount of the construction charge already paid by said Walsh to be transferred to the new entry.

Sec. 11. That the Secretary of the Interior is hereby authorized to grant to the Chicago, Milwaukee & St. Paul Railway Co. under the act of March 3, 1875 (18 Stat. L. p. 482), a right of way for its constructed road across the abandoned Post Discovery Bay Military Reservation.

Sec. 12. That existing entries allowed prior to April 1, 1924, under the stock-raising homestead act of December 29, 1916 (39 Stat. L. p. 862), for land withdrawn as valuable for oil or gas, but not otherwise reserved or withdrawn, are hereby validated, if otherwise regular: *Provided*, That at date of entry the land was not within the limits of the geologic structure of a producing oil or gas field.

Sec. 13. That the Central Pacific Railway Co., upon its filing with the Secretary of the Interior a proper relinquishment, disclaiming in favor of the United States all title and interest in or to lot 1 of section 1, township 16 north, range 22 east, Mount Diablo meridian, in the Carson City (Nev.) land district, under its primary selection list No. 10, embracing said tract, shall be entitled to select and receive a patent for other vacant, unreserved, nonmineral public lands of an equal area situate within any State into which the company's grant extends; and, further, that upon the filing of such relinquishment by said railway company the selection of the tract so relinquished by the State of Nevada in the approved list No. 13 be, and the same is hereby, validated.

Mr. LADD. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

GOOD ROADS

The PRESIDENT pro tempore. The unfinished business, House bill 4971, will be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4971) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

Mr. JOHNSON of California obtained the floor.

Mr. STERLING. Mr. President, will the Senator yield to me a moment?

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from South Dakota?

Mr. JOHNSON of California. I yield to the Senator from South Dakota. He tells me that he will take but a moment or two with the presentation of some figures, so I yield for that purpose.

Mr. STERLING. Mr. President, I think I was occupying the floor at the time the recess was taken last evening. I do not propose at present to discuss further the situation, but at this point I desire to submit some figures for the Record.

The first is known as Table A, furnished me by the Bureau of Public Roads, and is entitled "Status of Federal highway funds as of December 31, 1924." The second is Table B, entitled "Mileage of Federal aid highway system of the United States." The third is a statement and table showing the excise taxes collected by the Federal Government from motor vehicles, accessories, and so forth, for the years 1917 to 1924, inclusive, and also a statement showing the withdrawals from the Federal Treasury for Federal aid to roads from 1917 to 1924, inclusive. I have also another table which I desire to present, being a comparison of the total license fees and gasoline taxes collected with the Federal aid funds paid to the several States for 1923. I desire that this matter shall go in the Record at this point.

The PRESIDENT pro tempore. Without objection the several tables and statements will be printed in the Record.

The matter referred to is as follows:

TABLE A.—Status of Federal highway funds as of December 31, 1924

State	Apportionment from July 11, 1916, to date	Balances of apportionment not allotted to projects	Amounts allotted to projects		Completed work		Projects under construction		Balance of apportionment not yet placed under construction	Amounts paid to States
			Federal aid	Miles	Federal aid	Miles	Federal aid	Miles		
Alabama	\$11,252,963.00	\$1,160,401.73	\$10,092,561.27	1,399.5	\$4,737,541.35	811.0	\$5,315,311.85	688.1	\$1,200,109.80	\$7,343,455.24
Arizona	7,495,701.00	1,185,738.05	6,309,962.95	786.2	4,884,821.01	614.9	874,548.81	100.8	1,730,330.18	5,364,319.65
Arkansas	9,062,400.00	868,423.13	8,193,976.87	1,426.7	5,249,529.37	1,026.8	2,515,017.83	325.3	1,297,852.80	6,713,966.72
California	17,093,306.00	3,042,032.91	14,051,273.09	1,072.1	9,659,109.74	818.8	4,104,351.59	251.4	3,329,844.68	11,628,714.06
Colorado	9,559,881.00	2,112,445.42	7,447,435.58	768.0	6,195,903.00	658.2	1,216,300.24	104.0	2,147,674.76	6,321,250.59
Connecticut	3,331,195.00	967,409.36	2,413,785.64	132.6	1,996,791.40	111.4	416,994.24	21.2	967,409.36	1,833,891.79
Delaware	1,739,530.00	29,758.25	1,709,771.75	119.4	1,205,540.65	86.3	504,231.10	33.1	29,758.25	1,493,251.83
Florida	1,289,887.00	912,412.00	5,374,474.94	320.9	2,610,830.45	194.6	2,592,520.55	116.0	1,083,536.00	3,455,417.53
Georgia	14,449,897.00	227,082.63	14,222,814.37	2,155.1	9,200,998.58	1,430.5	4,641,899.60	685.6	606,998.82	11,542,778.50
Idaho	6,677,712.00	622,052.49	6,055,659.51	727.3	4,476,553.30	576.6	1,286,129.83	120.8	915,028.87	5,091,578.10
Illinois	23,436,492.00	2,644,533.04	20,791,958.95	1,783.9	18,858,089.50	1,247.4	1,907,337.55	136.5	2,671,094.95	19,093,797.53
Indiana	14,312,392.00	2,206,681.09	12,105,710.91	784.6	6,151,343.49	391.4	5,954,367.42	393.2	2,206,681.09	10,213,061.20
Iowa	15,336,137.00	1,034,107.92	14,302,029.08	2,421.4	10,705,679.61	1,892.1	2,694,449.47	450.4	1,302,007.92	12,371,883.34
Kansas	15,299,289.00	7,079.76	15,292,209.24	1,437.1	10,122,008.02	858.7	3,875,132.51	426.9	1,302,143.47	11,666,090.20
Kentucky	10,371,739.00	1,057,698.86	9,314,040.14	827.6	5,997,092.13	505.0	3,163,011.12	249.6	1,211,635.75	7,789,915.09
Louisiana	7,265,442.00	423,336.92	6,842,105.08	1,073.9	4,748,721.10	824.0	1,938,545.95	248.3	578,174.95	5,908,023.59
Maine	5,089,972.00	823,982.72	4,265,989.28	305.8	3,879,016.68	278.6	380,972.60	27.0	823,982.72	3,912,391.60
Maryland	4,648,950.00	4,422.84	4,644,527.16	349.1	3,865,253.41	293.5	728,523.75	51.4	57,172.84	3,760,635.87
Massachusetts	7,919,780.00	1,487,313.83	6,432,466.17	352.9	5,732,304.04	319.9	539,039.50	23.8	1,648,435.86	5,262,935.00
Michigan	15,879,772.00	1,992,083.14	13,886,788.86	1,038.2	8,975,390.35	733.5	4,811,155.51	304.7	1,992,083.14	11,403,706.64
Minnesota	15,318,419.00	2,176.96	15,316,242.04	3,454.1	12,610,642.04	2,713.3	2,605,800.00	640.7	101,976.96	14,436,532.44
Mississippi	9,531,273.00	558,031.15	8,973,241.85	1,296.1	4,566,648.91	754.1	4,038,402.43	481.7	926,221.66	6,850,946.06
Missouri	17,940,188.00	737,000.70	17,203,187.30	1,923.9	7,887,336.99	1,125.0	8,211,850.17	657.1	1,841,000.84	11,136,232.67
Montana	10,966,417.00	3,691,576.48	7,274,840.52	1,200.4	5,142,943.15	902.3	1,541,189.71	180.9	4,282,284.14	5,891,607.68
Nebraska	11,450,946.00	3,241,437.45	8,209,508.55	2,408.1	5,198,592.86	1,765.4	2,552,727.09	533.6	3,693,658.05	6,524,865.29

TABLE A.—Status of Federal highway funds as of December 31, 1924—Continued

State	Apportionment from July 11, 1916, to date	Balances of apportionment not allotted to projects	Amounts allotted to projects		Completed work		Projects under construction		Balance of apportionment not yet placed under construction	Amounts paid to States
			Federal aid	Miles	Federal aid	Miles	Federal aid	Miles		
Nevada.....	\$6,890,321.00	\$207,325.77	\$6,682,995.23	718.9	\$3,373,865.73	376.1	\$3,276,342.16	340.8	\$240,113.11	\$5,482,204.64
New Hampshire.....	2,434,964.00	102,519.25	2,332,444.75	231.1	2,043,940.19	211.7	2,074,824.56	18.5	116,199.25	1,974,464.97
New Jersey.....	6,589,247.00	815,074.27	5,774,172.73	238.5	8,699,895.17	211.8	2,074,277.56	26.7	815,074.27	3,711,702.35
New Mexico.....	8,589,332.00	729,974.94	7,859,357.06	1,481.8	5,410,745.09	1,184.9	2,294,257.20	280.2	884,329.71	5,498,771.91
New York.....	26,708,148.00	4,814,623.47	21,893,524.53	1,395.9	12,673,311.13	834.4	7,663,008.40	460.0	6,381,828.47	13,727,776.66
North Carolina.....	12,294,251.00	1,221,071.08	11,073,179.92	1,277.2	8,144,299.33	1,078.5	2,259,082.77	146.6	1,890,868.90	8,858,572.09
North Dakota.....	8,363,656.00	1,663,539.77	6,700,096.23	2,287.7	5,341,948.94	1,928.0	1,210,610.28	332.5	1,811,096.78	5,707,498.10
Ohio.....	20,140,164.00	1,680,720.97	18,459,443.03	1,456.2	14,759,880.41	1,149.6	3,170,562.62	266.0	2,209,720.87	15,956,504.22
Oklahoma.....	12,536,703.00	764,068.52	11,772,634.48	1,076.0	7,341,301.86	630.5	3,401,656.44	299.6	1,793,744.70	9,478,627.18
Oregon.....	8,506,150.00	205,276.85	8,300,873.15	901.2	7,244,778.58	814.2	945,149.28	77.7	316,231.14	7,448,023.69
Pennsylvania.....	24,601,616.00	2,770,961.27	21,830,654.73	1,201.7	18,149,909.73	962.1	2,793,170.00	180.8	3,658,536.27	19,285,932.26
Rhode Island.....	1,933,041.00	472,184.07	1,460,856.93	80.6	1,088,938.09	62.7	371,918.84	18.9	472,184.07	1,140,290.42
South Carolina.....	7,687,546.00	432,643.07	7,254,902.93	1,614.0	5,009,644.01	1,195.8	2,069,581.64	326.3	608,320.35	6,021,738.00
South Dakota.....	8,718,680.00	66,525.21	8,652,154.79	2,263.4	6,054,800.67	1,493.4	2,581,250.73	723.9	82,628.60	7,104,783.19
Tennessee.....	12,024,637.00	474,416.53	11,550,220.47	900.0	6,011,150.81	450.9	4,968,140.34	373.8	1,045,345.85	8,968,944.64
Texas.....	31,724,213.00	1,615,162.02	30,109,050.98	5,258.9	18,796,184.97	3,553.0	9,139,311.46	1,373.9	3,788,716.57	23,841,117.13
Utah.....	6,116,473.00	470,491.34	5,645,981.66	615.4	3,585,655.24	426.9	1,838,995.46	161.4	517,861.52	4,387,402.41
Vermont.....	2,533,979.00	491,179.21	2,042,799.79	133.5	1,131,008.53	87.0	885,107.93	45.1	691,822.30	1,576,417.92
Virginia.....	10,592,953.00	224,235.56	10,368,717.44	982.3	7,116,771.52	741.5	2,743,210.94	202.2	732,970.54	7,891,314.84
Washington.....	7,886,678.00	442,480.48	7,444,197.52	646.6	6,255,297.82	536.6	1,056,300.00	97.6	575,080.48	6,645,545.89
West Virginia.....	5,754,132.00	700,008.17	5,054,123.83	454.7	3,144,941.56	321.8	1,881,734.27	132.5	727,456.17	4,209,114.50
Wisconsin.....	13,678,451.00	3,607,799.65	10,070,651.35	1,560.5	8,982,629.48	1,446.4	1,020,418.87	106.9	3,675,502.65	9,017,607.93
Wyoming.....	6,687,351.00	250,424.93	6,436,926.07	1,100.4	4,914,984.92	956.6	1,521,941.15	143.9	250,424.93	5,608,069.23
Hawaii.....	365,625.00								365,625.00	
Total.....	525,125,000.00	55,626,523.29	469,498,476.71	57,063.2	324,933,677.23	41,667.7	127,946,664.31	13,286.8	72,244,658.46	380,528,813.43

TABLE B.—Mileage of Federal aid highway system of the United States, January 1, 1925

State	Certified total mileage	Mileage of approved systems	
Alabama.....	56,551	3,872.00	1.29
Arizona.....	21,400	1,498.00	4.36
Arkansas.....	71,960	5,007.03	2.65
California.....	70,000	4,467.60	2.83
Colorado.....	48,000	3,270.90	2.84
Connecticut.....	12,000	835.43	1.93
Delaware.....	3,800	308.25	1.36
Florida.....	27,548	1,883.00	.93
Georgia.....	80,892	5,450.00	.87
Idaho.....	40,200	2,768.60	1.49
Illinois.....	96,771	5,002.22	3.04
Indiana.....	70,946	3,957.48	2.90
Iowa.....	109,113	7,218.50	1.77
Kansas.....	124,143	7,147.00	3.31
Kentucky.....	53,000	3,300.20	2.12
Louisiana.....	40,000	2,681.00	2.16
Maine.....	23,104	1,393.46	1.39
Maryland.....	14,810	1,420.74	.50
Massachusetts.....	20,525	1,308.00	1.28
Michigan.....	75,000	4,595.00	1.62
Minnesota.....	103,050	6,849.60	5.00
Mississippi.....	53,000	3,322.00	2.32
Missouri.....	111,519	7,530.00	1.61
Montana.....	67,100	4,366.00	3.81
Nebraska.....	80,272	5,489.00	2.40
Nevada.....	22,000	1,422.00	1.61
New Hampshire.....	14,112	977.39	4.60
New Jersey.....	17,120	1,198.30	1.01
New Mexico.....	47,607	3,134.00	4.60
New York.....	81,873	4,475.30	1.01
North Carolina.....	63,863	3,790.30	4.60
North Dakota.....	106,202	4,855.00	1.61
Ohio.....	84,497	5,697.00	3.81
Oklahoma.....	112,698	5,589.50	2.40
Oregon.....	41,826	2,814.00	1.61
Pennsylvania.....	90,000	3,670.55	4.60
Rhode Island.....	2,368	196.83	1.01
South Carolina.....	52,318	3,047.00	4.60
South Dakota.....	115,390	5,457.00	1.44
Tennessee.....	65,204	3,122.20	1.66
Texas.....	182,816	10,932.00	2.22
Utah.....	24,057	1,588.00	6.04
Vermont.....	14,900	1,043.00	1.16
Virginia.....	53,338	3,008.20	.50
Washington.....	42,428	2,907.70	1.98
West Virginia.....	31,629	1,918.50	1.53
Wisconsin.....	78,800	5,493.36	1.09
Wyoming.....	46,320	3,012.50	2.56
Total.....	2,866,061	174,350.64	1.28

  

Year ended June 30—	Excise taxes collected by the Federal Government from motor vehicles, accessories, etc.	Withdrawals from the Federal Treasury for Federal aid to roads
1918.....	\$23,981,268	\$1,009,154
1919.....	49,341,990	2,915,282
1920.....	145,963,034	20,340,774
1921.....	117,322,741	57,402,768
1922.....	106,219,381	89,946,603
1923.....	146,183,607	71,604,708
1924.....	160,028,548	80,447,823
Total.....	749,040,569	323,327,112

TABLE C.—Percentages of Federal aid apportionment, 1926

Alabama.....	2.11
Arizona.....	1.44
Arkansas.....	1.73
California.....	3.38
Colorado.....	1.88
Connecticut.....	.65
Delaware.....	.50
Florida.....	1.22
Georgia.....	2.71

1 Includes 1917.

Comparison of the total license fees and gasoline taxes collected with the Federal aid funds paid to the several States, 1923

State	License fees	Gasoline tax	Total fees and gasoline tax	Federal aid	Ratio—Federal aid funds to total license fees and gasoline tax
					Per cent
Alabama.....	\$1,541,017	\$1,133,085	\$2,674,103	\$1,487,036	55
Arizona.....	271,670	474,123	745,793	1,257,481	169
Arkansas.....	1,435,090	1,219,198	2,654,288	1,128,423	43
California.....	10,608,544	2,518,893	13,127,437	3,017,511	23
Colorado.....	1,220,218	846,353	2,072,571	1,036,143	50
Connecticut.....	4,329,432	880,222	5,209,654	242,150	5
Delaware.....	516,209	88,579	604,788	379,256	63
Florida.....	1,963,065	1,641,042	3,604,118	820,094	23
Georgia.....	2,156,406	1,502,503	3,658,909	2,124,809	58
Idaho.....	914,014	396,487	1,310,501	694,812	61
Illinois.....	9,653,796	.....	9,653,796	4,257,276	44
Indiana.....	3,693,715	2,906,438	6,600,153	2,576,304	39
Iowa.....	8,827,962	.....	8,827,962	2,269,225	26
Kansas.....	3,435,606	.....	3,435,606	2,739,170	80
Kentucky.....	2,678,732	680,435	3,359,168	1,791,536	53
Louisiana.....	2,191,240	754,487	2,945,727	957,941	33
Maine.....	1,660,268	284,076	1,946,345	861,029	44
Maryland.....	3,526,955	688,394	4,215,349	653,741	15
Massachusetts.....	6,989,633	.....	6,989,633	1,270,764	18
Michigan.....	10,500,786	.....	10,500,786	1,667,285	16
Minnesota.....	7,316,772	.....	7,316,772	1,374,922	19
Mississippi.....	1,077,616	467,855	1,545,471	1,022,237	66
Missouri.....	4,016,383	.....	4,016,383	3,102,407	78
Montana.....	799,621	441,249	1,240,870	745,229	64
Nebraska.....	3,353,175	.....	3,353,175	951,725	28
Nevada.....	153,888	115,843	269,731	1,449,791	540
New Hampshire.....	1,571,326	163,064	1,734,391	286,616	17
New Jersey.....	7,653,780	.....	7,653,780	241,693	32
New Mexico.....	295,000	165,000	460,000	981,138	21
New York.....	19,862,441	.....	19,862,441	4,019,844	20
North Carolina.....	3,728,044	2,909,904	6,637,949	1,880,716	28
North Dakota.....	760,852	461,081	1,221,934	1,668,940	87
Ohio.....	9,662,370	.....	9,662,370	4,097,277	42
Oklahoma.....	3,217,770	599,000	3,816,770	2,035,422	54
Oregon.....	4,069,609	1,958,141	6,027,750	1,421,811	25
Pennsylvania.....	15,844,303	5,491,522	21,335,825	1,307,538	6
Rhode Island.....	1,286,659	.....	1,286,659	228,468	18
South Carolina.....	902,608	1,511,452	2,414,061	1,169,094	48
South Dakota.....	1,130,959	624,092	1,755,051	1,496,869	85
Tennessee.....	2,049,653	812,356	2,862,009	1,471,490	51
Texas.....	5,441,508	1,215,623	6,657,131	5,985,456	90
Utah.....	430,104	404,085	834,190	966,365	116
Vermont.....	938,860	168,172	1,107,033	288,969	26
Virginia.....	3,200,161	1,556,920	4,757,082	1,952,120	41
Washington.....	3,898,597	1,225,149	5,123,747	692,751	13
West Virginia.....	2,608,508	366,490	2,974,998	622,351	21
Wisconsin.....	4,953,933	.....	4,953,933	1,941,119	39
Wyoming.....	414,096	140,161	554,258	1,189,499	214
Total.....	188,613,074	36,813,939	225,427,013	74,883,783	33

Mr. REED of Pennsylvania. Mr. President, will the Senator from California yield to me for a parliamentary inquiry?

Mr. JOHNSON of California. I yield.

Mr. REED of Pennsylvania. A parliamentary inquiry, Mr. President. I understand that the motion of the Senator from Connecticut [Mr. BINGHAM] is to strike out all of lines 3 and 4, on page 2, of the pending bill. Would not an amendment of the part proposed to be stricken out be in order before acting on the amendment to strike out?

The PRESIDENT pro tempore. The Chair is inclined to think that such an amendment to the text must be disposed of before the amendment of the Senator from Connecticut is submitted.

Mr. REED of Pennsylvania. Then, Mr. President, I submit the amendment which I send to the desk, but which I do not propose now to discuss.

The PRESIDENT pro tempore. The amendment will be received and lie on the table.

AMERICAN PARTICIPATION IN PARIS CONFERENCE

Mr. JOHNSON of California. Mr. President, on Saturday, January 17 last, I offered a resolution in the Senate, which was referred to the Foreign Relations Committee, subsequently reported, and then adopted by the Senate on the following Wednesday. The resolution was one merely of inquiry. In its original form it sought to obtain a copy of the document which had been signed at Paris on the 14th day of January last by the representatives of many European powers and by three representatives of the United States of America. The resolution as amended by the Foreign Relations Committee went a bit further, and while it might be more or less hazy in its phraseology, nevertheless the intent of it was to inquire concerning the circumstances surrounding the particular transaction and to elicit the facts relating to what had occurred at Paris in which the United States had participated.

Yesterday the Secretary of State made response to that resolution. His response contains a wealth of information that makes it impossible in the short space of 24 hours either to digest it or to comment intelligently upon it. I do not seek, therefore, to-day to attempt to traverse anything that may have been said by the Secretary of State; nor, indeed, do I seek to do more, in view of the brief period that has elapsed since the response of the Secretary of State, than to present as well as I can what happened at Paris from the various viewpoints of the interested parties, and to ask that the Senate consider, as the Senate ought to consider, the two very grave and important questions which have been presented by what happened and by the reply of the Secretary of State. For, Mr. President, there are two very important questions to-day that come to us, perhaps not for solution in the singular era that now grips the Senate of the United States and the United States itself, but two important questions that some time, some day, by some Senate, and by some American people must be decided, and upon which a definitive determination must ultimately be rendered.

The first of the questions presented by what has happened in the last few weeks relates to the possibilities which may follow the deliberations and action of the Paris conference. The second question presented by the response of the Secretary of State involves the power of the executive branch of the Government to determine without the consent or the ratification of the Congress what shall be done with a liquidated debt of the Nation.

I confess to you, Mr. President, that I am more concerned with the first of these questions. Delicate matters of power appeal little to me; delicate questions upon which the determination may be rendered by our constitutional lawyers here in one fashion and by those who are a part of the office of the Secretary of State in another concern me hardly at all; but, sir, I am deeply concerned with what happened at Paris on the 14th day of January last. I am more than deeply concerned with the possibilities accruing from the action taken in the name of the United States at Paris on the 14th day of January last.

I recognize the position of the Secretary of State. I neither question nor criticize it. I take it that when the Secretary of State says to us and says to our people that the United States is neither legally nor morally bound by what happened at Paris the Secretary of State expresses his present view and his present intention. I quarrel not with either his view or his expressed intention of policy.

I recognize, too, Mr. President, that what may be thus authoritatively and officially uttered by the Secretary of State constitutes the present view and the present intention of the administration of the United States Government. I quarrel not with the administration's view or the administration's present intention, sir; but I recognize that, after all, this is an ephemeral body and that administrations come and go. I recognize that the distinguished Secretary of State will remain in the office which he has adorned for scarcely 30 days more; I recognize, sir, that the administration may change over night by the hand of fate placed heavily upon it; I recognize that this body automatically, permanent as its character may be, will change in personnel as the days go by. So, sir, upon a question of such great import, upon a matter as to which it is asserted not only by our own publicists but by every publicist on the face of the earth outside of America, that the policy of the United States of America has changed, some voice however feeble, some man, however little he may be, some individual with such views as have been expressed by some of us during the last five years, ought upon the floor of the Senate, ought in the Congress of the United States, ought upon the hustings if the power is given him, ought, whenever he is enabled to speak, to call the changes that have been made in the policy of the United States Government; to point, if he believes they exist, the perils that in the future, due to this change of policy, confront the United States Government, and to render what service he can in the avoidance of those perils.

I recognize, Mr. President, the personal limitations of the individual who speaks to-day. I recognize that his voice carries little weight and has little effect; but, sir, that individual since 1919 has had a single view of a policy for the United States of America. He has traveled the rough road of that view for five years ago; he is on that rough road to-day; and so long as he remains a Member of the United States Senate, so long, indeed, as God gives him the power to stand up and voice his sentiments, the same view that he expressed in company with others five years ago, is the view that to-day, and in the days to come, he shall continue to express, of letting

America live her own life in her own way, unentangled by any political ties with Europe or any of Europe's nations. It is because, sir, I feel that it is the duty of somebody to speak of the possibilities that I rise now.

You, Mr. President, understand how a body such as this changes. Senators will remember that since the last session of the Congress three Senators, who adorned this body a year ago, probably the three most influential figures in it, the three outstanding figures in the United States, indeed, have passed away, and have been succeeded by others. In days to come this body will change, and it is essential when it comes to the construction of a document signed in the present that a present reading of it be had here and throughout this country so that our people, and all peoples, in the days to come, may, at least, have been put on notice and may, at least, understand something of that which has occurred.

Mr. President, permit me to recall the chronology of what has happened concerning this resolution and the reply to it. On Wednesday, January 14, 1925, the agreement was signed at Paris; on Thursday, January 15; Friday, January 16; and Saturday, January 17, there were felicitations by foreign statesmen and articles galore in the foreign press at the cheering news that America had altered her policy and that America once more "was in Europe." During that week these felicitations continued, and not alone did they continue, Mr. President, in the foreign press and among foreign statesmen, but in our own country, in those newspapers that have the international viewpoint, there was glee that finally America had come to realize her responsibilities and that America, realizing her responsibilities, had finally become a party to the collection of money from Germany under the Dawes plan for the payment of reparations. During the week these felicitations and congratulations were numerous in our land and abroad.

On Saturday, January 17, a very innocent resolution, a resolution of inquiry, was presented. On Sunday, January 18, a very distinguished diplomat, a gentleman who has been spokesman for two Republican administrations, published his famous editorial in the Washington Post, "America duped." Of this more hereafter, Mr. President; but its publication was on Sunday, January 18. Up to Monday, January 19, there had not been a single word of explanation or construction from the men who signed the declaration at Paris for the United States. Up to Monday, January 19, there had not been a disclaimer of the utterances of European statesmen by the United States Government in any way, shape, form, or manner.

On January 19 the Secretary of State made the first American utterance upon this question. I congratulate him upon that utterance. I congratulate the country upon that utterance. He then said, with a forthrightness that can not be too highly praised, that we were neither legally nor morally bound by what had been done at Paris.

Mr. President, if we did nothing more by the agitation that had occurred, if Mr. George Harvey never again renders a public service during his life, he rendered by his editorial of Sunday, January 18, a public service that can not be overestimated when he called forth the following day the reply officially made of the Secretary of State of the United States of America, the first response that had been made, that America was neither legally nor morally bound in the future by the signatures of those who had written into the document at Paris for the first time our Nation and our Republic.

So I have naught but praise for the editorial here, and naught but praise for the response of the Secretary of State. It has been a good thing that we have been able to call forth the declaration that we have. I trust it puts the nations of the earth upon notice. If we had done nothing more than that, we would have accomplished sufficient, and all the bludgeoning that has been indulged concerning the individuals who asked for this information will have been indeed fully and amply repaid by the declaration made by our country that we are neither legally nor morally bound. But remember, sir, this is the declaration of a Secretary of State who leaves office in 30 days. Remember, it is the declaration, after all, of one who resides in the city of Washington. Remember, sir, as I shall now proceed to demonstrate to you, it is a declaration at variance with every declaration of every signer of the document at Paris, and at variance with the declaration of every newspaper of note that is published across the sea.

Recall that, sir, because, after all, remember we are speaking for the future now. We are speaking for a time, sir, when we may have passed from this scene. We are speaking now for a time when our children and our grandchildren may sit in our places. We are speaking for a time when we would have this country left to them just as we received it from our forbears. The Dawes plan may work for a year. It may

work for two years. Pray God, you Americans to-day, that it will work in its entirety. Pray God to-day, ye who are Americans and believe in the future of this country, that the Dawes plan works out in its entirety and is wholly a success.

If a success, and if in its entirety it works out, then doubtless we may not have the ills which it needs no imagination to conjure can arise from the document that was signed at Paris. If it works ill, if it works but partially, if after all it is essential for those who signed the deed of collection to do the collecting, then there will come a time in this Nation, my friends, there will come a time to those that you love, when you will curse the day that America became a part of a collection document for European debts.

Oh, I know how they seek to allay our fears. I know how persuasive, in this material era, is the idea that we are going to get some money. I read the cynical remarks of one of the members of the press in France, and another in London, that this was the way, by the collection of some money, to allay the fears of the Middle West, and make the Middle West agree to come into Europe, to tell the West: "You are going to get some money out of this thing," and, getting some money out of it, have the men of the West agree to come into Europe.

This is the cynicism of Paris and of London concerning the agreement. I repeat, sir, I know how persuasive is this appeal. I understand, in this era, how when you tell us we are going to get some money out of a transaction all else may be forgotten, and in grasping for the money we may lose the most priceless thing that this country has. I recognize, sir, that appeal, and I recognize the difficulties that we encounter, both in opposition to that appeal and in considering it in other ways.

Now let us see who were at Paris, of the important ones. There were five great nations there. There was the United States, represented by the ambassador to England, the ambassador to France, and a gentleman who was connected with the United States Army; there was Great Britain, represented by Mr. Winston Churchill; France, represented by her Finance Minister, Clementel; Belgium, represented by her minister, Mr. Theunis; and Italy, represented by the Finance Minister of Italy, Mr. de Stefani. These five were the "big five" that were there.

I do not know whether you, who are lawyers, have construed contracts by the declarations, contemporaneously made, of those who executed the contracts. I do not even pretend to say, in this body of astute attorneys, whether or not you should construe a contract or its intent by what might contemporaneously be said—I am referring to the intent being doubtful—by those who executed the contract. Yet, nevertheless, because the time will come when it is essential that this agreement be accurately construed, when it is necessary that it be determined what the United States of America undertook in Paris on the 14th day of last January—because such a time is bound to come in the future, Mr. President, it is essential that we know now, that if we can we put it of record; that if it be possible, the Senate shall authoritatively and officially go upon record as to the possibilities that may come or might arise out of the execution of that contract.

We have the words that were spoken immediately afterwards by those who are parties to it. The representative of Belgium, Mr. Theunis, said immediately what? He said:

To pay 2½ per cent to have America's signature in our syndicates is nothing. America might ask 2½ or 7½ per cent to participate in this operation and we would gladly pay, and this would have been a bargain price, too.

Pay? Pay what? Pay merely that the United States of America should collect 2½ per cent in the indefinite future on a speculation the consummation of which no man can foretell. Is that what was intended then? Sir, even if we receive the 2½ per cent out of the Dawes collection and out of the reparations paid by Germany, it is too small a price to pay for the possibilities of what may happen in the future between Europe and ourselves.

The Secretary of State may be right. I insist and shall insist he is right. If I remain here, and the question arise, I shall insist that the United States take no part in the collection of the amounts under the Dawes plan. But none can tell when, nor how the matter may arise in the future. These gentlemen who signed for the United States of America have one view or another; but it is indubitable that for 2½ per cent of an indefinite amount, payable at an indefinite future, we risk the amity and the good will that now exist between the nations of Europe and the United States. We are not so

childlike as to imagine that these diplomats of Europe have designated this bond of ours in a certain fashion and will not insist, if the occasion ever arises, upon the construction they now put upon it. Who so credulous as to believe they will change their view overnight because of an expression of ours? They will be insisting upon their view in the days to come, and when they do we shall have exchanged amity, good will, friendliness, for perplexity, confusion, ill will, and hostility.

That is what we got at Paris for 2¼ per cent of something that may not, and probably never will, be paid. That is the price we got for altering the policy of America, if we did alter it then, as these Europeans claim. That is the price we got for changing the policy of America which had been America's policy ever since the United States have been a nation.

I pass to what Mr. Winston Churchill said of this agreement. After describing it—and to that I shall come again—he said:

But, taking a long view, there are other and greater advantages which present themselves. The formal participation of the United States in the proceeds of the Dawes scheme had indisputably added an immense moral weight to the authority on which that scheme stands, and once again, after six years, marked by many misunderstandings and divergences, we find the Allies and the United States working together within the limits of the Dawes scheme in the most complete harmony.

That is to me—

Said Mr. Churchill—

and I am sure to all our colleagues here, a cause of very real and justifiable satisfaction. It should constitute a definite stage in the march away from the confusion which followed the great victory and toward that general consolidation and reconstitution, not only of allied, but of European affairs, which must ever be our goal.

Who listened to these panegyrics upon the changed attitude of the United States? Our commissioners listened, and acquiesced, by silence, at least, although the response that was made by Ambassador Kellogg was more than acquiescence.

Contemporaneously M. Clementel, of France, said in the Chamber of Deputies:

We agreed to America's collecting this. We had strong reasons to desire American participation. As M. Theunis has said, "regardless of moral consideration but as assurance, I would have paid even more dearly."

Then he proceeds:

America's participation in European affairs by sharing in the Dawes annuities is an insurance policy on the payment of reparations.

Then he was interrupted in the chamber. His interrupter shouted, "You paid a high price." Then M. Clementel of France responded:

American participation is beyond price. It has cost us nothing. We should have been glad to pay highly for it.

I do not need to comment upon language such as this. Indeed, dull would be the intellect that could not understand how these gentlemen abroad regarded our activities.

There is yet another, the Finance Minister of Italy, Mr. Stefani; and it is significant that he made the remarks I am about to read after the declaration of our Secretary of State that we were neither legally nor morally bound. He said:

We regard the enlistment of America by the side of the Allies in the Dawes plan as a political event of great importance, of much more importance to us and to you than the amount of money involved in the terms of settlement made with the American delegation. It seemed to me then, and it seems now, perfectly plain that in taking part in the Paris agreement, the United States took up its part of the responsibility for Germany's paying, and it was because of that understanding that we welcomed the arrangement.

Doubt abroad of what we did? Not a bit of it! Not a bit of it, sir! No man in responsible position in any nation of Europe doubts for an instant what happened at Paris. We may doubt it, and we may render our decree, through our Secretary of State. Yet during the time of felicitation immediately afterwards, we participated in the felicitations, through the gentlemen who represented us abroad, and we never once, never once during that period, denied what was then being said in felicitation and congratulation by the statesmen over there.

Oh, yes, Mr. President, they believe we are "over there" again. Our return "over there" is what I have been fighting for five years. That is why I am talking here to-day. I do

not want to go "over there" again. I do not want to go "over there" politically. I do not want to go "over there" militarily again. That is the struggle that has been on for five long years in the United States.

There sits in the Senate at this moment the man who began the fight—the Senator from Missouri [Mr. REED]. He stood firm as a rock during all that period. I glory in the ability he has displayed, and in the way in which he has battled during all that time.

I do not want to go over to Europe again politically. I do not want to go over there again militarily. I want this Nation to live its own life in friendship and amity and peace with every nation, unfettered by political bonds with any.

When you call us in derision "isolationists" you do not know what you say. Isolationists? Not a bit of it. I would not be isolated from the rest of the world, of course, in any of those contacts which for 140 years we have always had. I would not be isolated from the rest of the world in those contacts with which we have all become familiar during the period we have been a Nation. But, Mr. President, I would keep this country from Europe's politics, from Europe's wars, from Europe's agreements, which European statesmen seem to think make us a part of their collection agencies and make us a part of their political policies that have created the awful maelstrom over there.

That is what I have sought for five years to prevent. That is why I am speaking here. It is not in hostility to any man or any set of men that I raise my voice upon this question. I have raised it, and I care not who may be upon the other side, because, after all, in my opinion, our separation from European entanglements means the future of the country in which I have lived for nearly 60 years. It means the salvation of that country for those we love who are to follow us. I would preserve it as we have had it in the days gone by.

Senators who can think of nothing but the material, who are engrossed in the post office at Grizzly Gulch or the collectorship in Prairie Town, I beg you Senators who are engrossed with these matters you think of deep importance to your constituents, to give a passing thought, just a passing thought, to the future of the Republic and to the things which may occur if this Republic becomes a part of the political mess that is across the sea.

I have read what was said by the four gentlemen who constituted the important signers at Paris. I want to read now one or two references from the foreign press, and then I want to turn to one or two in the press of this country. I want, if it be possible, to make plain just the construction that has been put upon this agreement, to leave with the Senate finally the first question that I presented—whether the Senate should not in some declaration make plain its attitude—and to leave to those who are great constitutional lawyers in this body the second question—as to the power of the Executive to deal with a liquidated debt of the Nation.

I turn to one or two of the foreign newspapers. I have first the earlier editions of the Manchester Guardian dealing with this subject. The Manchester Guardian presents from one aspect, as Senators know, the politics of Great Britain. Other newspapers there, as with us, represent other views. The Manchester Guardian (Liberal) says this:

The details of the settlement are the merest details of bookkeeping, too intricate to summarize, and of no interest to the general public. The two outstanding facts are the victory of the French and Belgians in the matter of the Ruhr expenses and America's formal entry into the partnership of the Allies interested in working the Dawes plan. Naturally French opinion is almost jubilant. \* \* \* As a result of Mr. Churchill's agreement with the American delegates the United States will come in to take her percentage along with the rest. It will be a minute percentage, it is true, so that from the financial side the event is of little importance. Politically it is regarded as of the greatest importance, indeed. The unity of "the allied and associated powers" is restored that was broken by the American Senate's refusal to ratify the Versailles treaty in 1919. As far as the reparations portion of that treaty is concerned—and, generally speaking, it is the only unfulfilled portion and therefore the only one that matters—the United States now stands alongside the Allies just as much as if she had ratified the treaty. "America," says the *Œuvre*, "has become officially a contracting party in the Dawes scheme. If ever a day comes when Germany breaks this accepted contract America will be at our side in recalling her to a sense of her duties. In short, we have signed an insurance contract against all Dawes-plan risks—and the premium we have to pay is by no means too high."

What a tribute to our statesmanship abroad! Without comment, I leave that tribute with my brethren.

The Matin, in Paris, immediately after the signing of this agreement, said:

The conference at Paris has revived the old and powerful slogan, "allied and associated powers."

One of our ministers delegated to the financial conference said to me, yesterday:  $2\frac{1}{4}$  per cent to America,  $2\frac{1}{4}$  per cent to have in our syndicate of creditors a signature like that, it is very cheap. The Americans could have said to us: "We demand  $2\frac{1}{4}$  for our reparations and 7% for participating in the operation." This would only have been just.

Under this pleasing and paradoxical form is a great truth. In the Dawes plan the Americans were up to now the architects, since they had to a large extent conceived it and the controllers, since they supervised its execution. They are henceforth beneficiaries. Thus, in the domain of reparations, although America did not sign the treaty of Versailles, the old and imposing slogan of 1919, "allied and associated powers," has again become a reality.

I do not believe that the matter of between fifteen and forty-five million marks per year modifies the budgetary calculations of Mr. Mellon. It is a drop of water in American finances. But these small sums are a symbol of reestablished solidarity and the American people will be interested in them.

I am trying, sir, to interest the American Senate in them and what they may have done to us at present. There will come a day when the American people will be interested.

I read from the London Times of January 15:

Above all, the United States is now practically interested in the working of the scheme by being admitted to a share in its proceeds. It is, in fact, once more an "associated power."

Mr. President, I think perhaps it is not particularly logical or sequential at this moment; but I want to read what Mr. Winston Churchill said at the time of the agreement about America and exactly what the other parties had to pay, so that we may see that we had a liquidated debt of the United States Government upon which a settlement was made by those representatives in Paris for a very much smaller amount. Now, Senators may believe that through the representatives of the United States of America abroad the Executive has the power to reduce, modify, or to cancel a debt. I do not know what their belief may be. A contrary opinion I venture very timidly to express. But what was done at Paris after all was the settlement of a liquidated claim of the United States of America for less than we had settled that claim for.

Mr. Winston Churchill said—I read from the London Times:

Under the Wadsworth agreement the United States had an unquestioned right to recover the cost of their army of occupation by a series of cash priority payments which could certainly not have been estimated below 87,000,000 gold marks, or, approximately, four and a half millions sterling per annum for 12 years. Owing to the arrears which have accumulated these annual payments might easily have reached 120,000,000 gold marks, or about £6,000,000 a year, through all this anxious period. In place of these important and unchallengeable rights the United States will now receive for Army costs 55,000,000 gold marks, or £2,750,000 per annum, over a period of about 17 years. For the rest, they will draw a  $2\frac{1}{4}$  per cent share of the Dawes reparation annuity, taking their chances, for good or ill, with the rest of the Allies. Until and unless these annuities attain their maximum, the yield to the United States, therefore, will be substantially less than the amount by which they have diminished their annual claim under the Wadsworth agreement. I feel, therefore, that, upon a broad view, we shall be helped and not burdened by the new arrangement which has been made.

But taking a long view, there are other and greater advantages which present themselves. The formal participation of the United States in the proceeds of the Dawes scheme had indisputably added an immense moral weight to the authority on which that scheme stands; and once again, after six years marked by many misunderstandings and divergences, we find the Allies and the United States working together within the limits of the Dawes scheme in the most complete harmony. That is to me, and I am sure to all our colleagues here, a cause of very real and justifiable satisfaction. It should constitute a definite stage in the march away from the confusion which followed the great victory and toward that general consolidation and reconstitution not only of allied but of European affairs, which must ever be our goal.

The New Statesman on January 17 said:

The most notable result of the financial conference which was concluded in Paris this week is the fact that America has abandoned the policy of isolation which she has pursued for the last five years. She has returned to Europe in order to assert certain minor financial claims against Germany, and is now definitely and officially a party to the reparations settlement. Her representatives will no

longer be mere "observers," but active and voting members of any further conferences which may be necessary. Her claim to be allowed to share in the proceeds of the Dawes plan was not very sound and was opposed by the British Government; but it was eventually accepted and settled on a basis which will not involve a very serious sacrifice on the part of Germany's European creditors. Great Britain, at any rate, might well have been content to pay a substantially bigger price for the sake of securing American cooperation in the solving of the reparations problem. For the participation of America should insure that the achievements of 1924 will not be undone; that is to say, that future negotiations on this subject will remain on a business-like footing, and—whatever changes may take place in France—will not be allowed again to degenerate into the barren political squabbles of 1920-1924. We are bound, therefore, to rejoice over the return of America, even though we may have no very great admiration for its more immediate motives. Moreover, those motives may fairly be regarded as more ostensible than real. Many leading members of the American administration have long desired that their country should resume the responsibilities which it incurred when it helped to frame the treaty of Versailles—

That is the story always—responsibilities which we incurred when we went into the war, responsibilities which we incurred after the war. Every internationalist has punctuated his eloquence in the last six years by telling us how our responsibility to Europe exists and how we evaded that responsibility by not becoming a part of the European mess. Responsibility! Always on the tongue of the international statesman, always on the tongue of those who are looking abroad and seeking to embroil us abroad. Responsibility for the war, for the results of the war; responsibility for upbuilding and stabilizing Europe and the like.

I am not now undertaking to argue whether those statements are correct or not. They have all been argued in the last six years. Responsibility? The United States must return to its responsibility. Can you not hear them echoing now down the corridors of time years hence, when it comes to the collection of reparations from Germany? If Germany shall fail, can you not hear the responsibility that the United States Government owes—responsibility, responsibility, because there is that signature to the document. The responsibility is yours, yours that have been saying to us in the past, without the ghost of an excuse for so saying, that our responsibilities were to go into Europe anyway without our signature, without being a part of the game, to go there and do as Europeans would have us do in their political maelstrom and their political difficulties. We have refused in the last six years and denied the responsibility, although many of our own people have insisted on it. Imagine the insistence if their written agreement for the collection—yes, the collection—shall go wrong, if the time shall come when Germany does not pay.

This article then proceeds:

Many leading members of the American administration have long desired that their country should resume the responsibilities which it incurred when it helped to frame the treaty of Versailles, but it is possible that they could obtain the consent of the Middle West to any fresh interference in the affairs of Europe only by assuming the rôle of debt collectors. They have shown themselves this week, at any rate, to be generous enough in their debt-collecting methods.

Now that the consent of the Middle West has been obtained, because we are in the rôle of debt collector, a different view, as expressed by this paper, will be taken of America's responsibility abroad.

The Statist of January 17 said of this conference:

Besides its swift successes on material questions, the Paris conference has also been remarkable for an exemplary moral accord amongst the Allies. In particular it must be observed that America has displayed an unusual sympathy with European difficulties, while that country's acceptance of the status of a beneficiary under the Dawes scheme means a new and powerful support to the stability of the reparation settlement.

The Spectator of January 17 said:

In spite of Mr. Hughes general doctrine of aloofness America is being gradually and inevitably drawn into the European current. \* \* \* After all, the modern world is too nearly a unity for America to stand apart. The Paris conference has proved that America has come back.

America has come back! It is a sad day when America comes back to the political turmoil abroad, and if these gentlemen who speak as all those have spoken abroad are accurate and America has come back, heavy is the burden that will rest upon every Member of this body, every individual in the Congress of the United States who has the power to speak and

who speaks not. It is that I may arouse the old feeling concerning our country that was present and has been in the past present in this body that I call your attention to what has been happening.

In the Manchester Guardian of January 16 I ran across Mr. Phillip Snowden's view of what he insisted had happened. Mr. Snowden was the predecessor of the present Chancellor of the Exchequer in Great Britain's Government, and his words, I take it, therefore are entitled to more or less weight as the case may be. Concerning our reappearance he said:

The "concession" appears to be appealing to America for her unofficial help in arranging and carrying through the Dawes plan. But America may yet find that she has bought this concession at a big price. It will certainly involve her in any sanctions which may be decided upon by the Allies in case of proved flagrant default by Germany, or which may be taken independently by any of the Allies. The French and Belgians, by sacrificing a very small part of their reparation receipts, have committed America to the military support of the Allies in the enforcement of the Dawes payments. This admission of America to the Dawes scheme appears to modify the London agreement in important respects.

I shall not seek, Mr. President, to put into the Record all of the newspaper articles that I have before me. Some of them, however, I desire that I may be given permission to insert as I may identify them. There are, however, one or two articles that have been published in the country to which I desire to call attention. The New York World of January 15, in an editorial entitled "A revolution in policy," said:

[From the New York World, January 15, 1925]

#### A REVOLUTION IN POLICY

Silently, almost secretly, Mr. Coolidge has revolutionized the European policy of the Republican administration. The White House, to be sure, continues to say that there has been no change. But all Europe knows that the administration has reversed itself, and anybody who will look at the result of the Paris conference must see that Europe is right. We have transformed ourselves from an unofficial observer of the reparation problem into a partner under the Dawes plan.

We have assumed, in the words of Premier Theunis, of Belgium, "a direct interest in the perfect execution of the plan"; in the words of the French minister, Mr. Clementel, we have given "a great guaranty" that Germany will carry out the plan. It will cost the Allies about \$25,000,000 worth of German marks a year to keep us "entangled" in the collection of German reparations for 50 years. This is the great victory which the Associated Press correspondent in Paris announces that Ambassador Kellogg and Colonel Logan have won. If Mr. Churchill and M. Clementel can keep a straight face they are great poker players. For a ridiculously insignificant amount of somebody else's money they have placed on the scrap heap four solid years of Republican oratory.

Gone is the pretense that we were disinterested observers of the reparation business. Gone is the pretense that we could enforce a separate treaty with Germany. Gone is the pretense that we were against "involvements." Gone is the pretense that we would take part only privately and unofficially in the European question. Gone is the pretense that we were different and aloof, and all that sort of talk. Gone is the pretense that we were going to collect the last red cent owing to us. For the sake of an annual twenty-five millions of hypothetical cash we have in one vast diplomatic triumph canceled roughly 50 per cent of our claims against Germany and written ourselves into the partnership for collecting German reparations.

We have done the right thing, but we have done it expensively, furtively, and without dignity. When the moral leadership of the world was ours we would not take part officially, as became a great power, in the liquidation of the war and the organization of peace. But for twenty-five millions cash and in the guise of a grasping creditor, with all Europe divided between soreness over our rigidity about money and laughter over the naïveté of our diplomats, we have sidled into the center of the whole tangle. We have done at last covertly and with loss of prestige what we should have done at first openly and with the gratitude of the world. We appear not as a generous creditor but as a creditor whose hard-heartedness has been beaten down. We appear not as a great nation shouldering its responsibilities for a peace in which its armies played the decisive part, but as a nation so bent upon petty bill collecting that it forgets to examine the moral responsibilities it is indirectly assuming.

It is not pleasant to draw attention to these things, but it is necessary to do so. For this settlement of the Army bill and the German damages is only a fraction of the much larger claims still outstanding against Europe. The question is whether we are going to bungle them at the same expense both of money and of prestige or whether we are going to do what a nation skilled in diplomacy would do—wipe off the claims that can not be collected and capitalize the money deficit in a project of international good will.

Having become partners in the European question, are we going to exercise the power which goes with that immense responsibility or are we going to be dragged along deeper and deeper into entanglements which are none the less real, and are much more dangerous, because we won't face them and acknowledge them?

I refer as well to the article on the following day in the New York World, and I read from it so that there may be understood on this side of the water the reasoning of a certain part of the press at least concerning what was signed at Paris.

#### DEBUNKING THE PARIS VICTORY

A little debunking of the reports of the Paris conference seems to be in order. Let us begin with the great victory won at the eleventh hour by the American delegates. Up to that dramatic eleventh hour the Allies had agreed that America should receive for reparations 2¼ per cent of the German payments annually, provided this did not come to more than \$11,250,000. After the eleventh-hour victory we are to have our 2¼ per cent, even if it comes to more than \$11,250,000.

Now, why did the Allies grant us this great victory? They granted it because it does not cost them a cent and is pure bunk.

I would not dare say that, Mr. President. I am reading an editorial, I desire it to be known, from the New York World. The editorial continues:

Before the victory we were limited to a sum which is one forty-fourth of \$495,000,000. Now, if there is any finance minister in the world who expects Germany to pay \$495,000,000 a year, we have yet to hear of him. For he would be arguing that Germany can pay three times as much a year as Britain finds it an effort to pay us. There is nobody who takes the figure seriously. Therefore, when our delegates asked for 2¼ per cent of an even larger figure the Allies said, "Sure! Help yourself. If it gives you any pleasure, it certainly won't cost us anything to let you have a claim to some more nonexistent, noncollectible cash."

In the meantime the truth about the conference was explained by Winston Churchill after the document was signed. He pointed out that the United States had scrapped the Wadsworth agreement about the Army costs in order to sign a new agreement covering in theory both the Army costs and war damages. Mr. Churchill said that "unless and until" Germany pays the Dawes annuities, about which he was not in the least optimistic, we collect under our new agreement less for both bills than we were entitled to collect on the one bill alone. In compensation we have the privilege of lending our moral weight to the business of collecting reparations for the next 50 years.

Then the New York World proceeds:

Now, if the United States is going into the reparation business it ought not to go in by the back door, taking all the moral responsibility and exercising none of the power that such responsibility ought to involve. This thing is not yet understood in America as it is understood abroad.

Those of us who have stood with me in this contest in the last six years have been constant in the view of the policy which this Government ought to pursue, but we have all been of one mind, sir; we never have changed our idea against America's participation in Europe's political affairs. However, I have ever said, and I have ever heard my colleagues who believe as I do say, that if the time ever comes when America is to participate in Europe's affairs, if that time, which God forbid, shall ever arrive when our Republic is to be in the European maelstrom and in European politics, let us go in as Americans should, with our heads up and our flag flying. Let us go in the front door, as we ought to do, avowing our purpose to the American people, and not sneak in the back door or gradually be shoved in in some surreptitious manner. That has been the position which we have maintained concerning our entry into European affairs, and the New York World in expressing the view that that ought to be done by us, although otherwise it is diametrically opposed to what I hold to be the appropriate policy of this country, is entirely right.

If we are to assume responsibility in Europe, if we are to become part of the European system, let us go in and let our people know we are going in. Do not let us do it by this subterfuge or that, by a pretense of this character or a pretense of that character. Let us go in with our heads up, walking in regretfully, but walking in so that all America shall know we are walking in. That is the American way to do, and that is the only way that this Government ought to deal with this problem at all.

The editorial in the New York World concludes in this fashion:

When it is understood, we believe the American people will demand either that we take a direct part in the determination of the whole reparation question or that we disentangle ourselves from it. The

present arrangement makes us, on the basis of an insignificant financial interest, partners in all the vast moral reparation commitments which we do not take part in determining.

The World would be glad to see the United States take its part. But it can see no point in taking responsibility without taking part. That would be a poor bargain morally, politically, and financially. The only thing to be said for the Paris "victory" is that the realization it was a diplomatic defeat may in the end bring home to Congress and the administration some of the realities behind the political fantasies which becloud the whole debt question. The trivial sums of money gained or lost mean nothing. But a lesson in financial diplomacy would mean a lot to us and to all the world.

Mr. President, I shall not quote editorials which I have here from the New York Times and others from the New York World. I do wish, however, to put into the RECORD the article of George Harvey, to which I have referred, in the Washington Post of January 18, 1925, and that a week later by the same distinguished gentleman.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Without objection, it is so ordered.

The articles referred to are as follows:

[From the Washington Post, January 18, 1925]

**AMERICA DUPED—TRAPPED BY EUROPEAN DIPLOMATS IN PARIS—ATROCIOUS AGREEMENT—WAIVING INDEPENDENCE—LEAPING INTO COCKPIT OF EUROPE—IS THERE NO WAY OUT**

(By George Harvey)

There seems to be a misunderstanding, somewhat more than slight, respecting the precise outcome of last week's International Financial Conference in Paris, so far, at least, as these United States are concerned. Early information conveyed by the Franco-American press tended, greatly to our relief, to dissipate the forebodings set forth in these columns last Sunday; but later, and even more poignantly, the latest news bears an impression of disquietude which falls little short of dismay.

Our sole ostensible reason for participating in the proceedings was financial, and relatively of small importance. There was owing to us \$250,000,000, with accumulated interest, for the cost of maintaining an army on the Rhine for several years following the armistice. The troops were kept there by earnest request of the Allies, and most reluctantly, by President Wilson, who bravely heeded the dictate of his conscience, against the manifest wish of the people that having put the finishing touch on the winning of the war their soldiers should return to their homes.

In consideration of this notably helpful, magnanimous, and self-abnegatory act on the part of Mr. Wilson, and as an essential part of the integral arrangement, the Allies definitely agreed in writing that the costs of maintaining the various armies of occupation, with a clear understanding of priority for the disinterested United States, should be paid from the funds earliest obtained from Germany. This was the first compact entered into by the victors following the armistice, and it antedated and took precedence over any subsequent arrangement, although incidentally it was confirmed later by article 251 of the treaty of Versailles.

Years passed and our troops were retained on the Rhine by direction of President Wilson and President Harding, against continual protests from and at the expense of the American people, in the hope of lending aid to the beseeching Allies. Finally they were recalled from natural apprehension that the country might again become involved through some untoward circumstance in European quarrels.

Meanwhile the Allies broke their agreement. Operating through their own commission, which controlled the disposition of the funds first received from Germany, France took her allotment of costs of occupation, Italy hers, Belgium hers, and Great Britain was about to take hers when Secretary Hughes, unwarrantably trustful theretofore, suddenly intervened at the last moment and demanded consideration of the pledge to the United States. Recognition of the rightfulness of his claim was vaguely accorded in ambiguous terms, the meeting was hastily adjourned, within a week Great Britain had her allotment, and the till was empty.

That accounts for the claim for \$250,000,000 of "army costs" humbly presented to the conference at Paris by the United States delegates and settled by them upon a basis of nobody can tell how many or how few cents on the dollar, to be derived from hopefully anticipated reparations payments by Germany during an undetermined number of years.

Let us be exact. The text of the agreement relating to the share of annuities allotted to the United States, embodied in Article III of the general agreement, reads as follows:

"A. Out of the amount received from Germany on account of the Dawes annuities there will be paid to the United States of America the following sums in reimbursement of costs to the United States Army of Occupation and for the purpose of satisfying awards to the Mixed Claims Commission established pursuant to an agreement between the United States and Germany of August 10, 1922:

"(1) Fifty-five million gold marks per annum, beginning September 1, 1926, and continuing until the principal sums outstanding on account to the costs of the United States Army of Occupation, as already reported to the Reparation Commission, shall be extinguished. These annual payments to constitute a first charge on cash made available for transfer by the transfer committee out of the Dawes annuities after provision of the sums necessary for service of \$00,000,000 gold marks German external loan of 1924 and for costs of the Reparation Commission organization, established pursuant to the Dawes plan, the interallied Rhineland high commission, and payment of the Danube commission provided for in the article below, and for any other prior charges which may hereafter, with the assent of the United States, be admitted. If in any year the total sum of 55,000,000 gold marks be not transferred to the United States, the arrears shall be carried forward to the next succeeding annual installment payable to the United States of America, which shall be pro tanto increased. The arrears shall be cumulative and shall bear simple interest at 4½ per cent from the end of the year in which the said arrears have accumulated until they are satisfied.

"(2) Two and a quarter per cent of all receipts from Germany on account of the Dawes annuities available for distribution as reparations after deductions of the sums allotted for priority charges by this agreement, provided that the annuity resulting from this percentage shall not in any one year exceed the sum of 45,000,000 gold marks."

This provision, as will be noted in Article A, covers our two expenditures, to wit, \$250,000,000 plus interest, for Army costs and \$350,000,000 awarded by the mixed claims commissions to German citizens as war damages to be paid by the United States—a total of more than \$600,000,000.

Computation of the present value of payments on the scale thus provided, if duly made, shows an estimate of about \$335,000,000, a reduction of absolutely valid claims of about 45 per cent.

We discussed the position of the war damages last Sunday, and it suffices now merely to recall that under the Berlin treaty the property which they represent must be returned to its owners, despite Mr. Churchill's cynical observation that it might be confiscated.

The financial consequences of the agreement reached in the Paris conference, so far as the United States is concerned, are calculable. We make a minimum sacrifice of between three hundred and four hundred millions of dollars to a certainty, and we add to "doubtful accounts" an indeterminate maximum, for the next generation to reckon with as best it can. That is that.

But that is not all. Indeed, so far as we can judge from views expressed by our foreign friends, and by our own competent traders in other people's savings, it is trifling as compared with the vast advantages to be gained in Europe by enticing into partnership a solvent, prosperous, and hitherto independent concern, to serve theoretically as a "stabilizer" of world affairs, but practically as a bill collector. Whether or not they have now really succeeded, after years of futile striving, is perhaps a question, but one fact is certain. In their own minds there remains no shadow of doubt. With candor worthy of Mr. Loucheur himself, Premier Theunis, of Belgium, did not hesitate to say to the world that "to pay 2¼ per cent to have America's signature in our syndicates is nothing. America might ask 2¼ per cent, or 7½ per cent, to participate in this operation, and we would gladly pay, and this would have been a bargain price, too."

A like opinion, though less impolitic in expression, was voiced by Chancellor Winston Churchill, the wizard of the conference, who rejoiced at "the immense moral weight" added by the United States to the demands upon Germany to pay up, and the newspapers of both London and Paris could not restrain their enthusiasm over their acquisition of a creditor relentless in pursuit of his own 2¼ per cent, along with 98¾ per cent for his associates.

"You can think what you like about it," wrote the editor of the Paris-Midi, "but to-day my outlook is rosy, for in the avidity of Uncle Sam I now find happiness. Believe me, it is a good thing that Uncle Sam becomes officially a creditor of Germany. As we have reason to know, he is no slouch as a creditor, and the Germans will find it out as well and think twice before they defy that heavy-eyed person."

"America," declared the London Morning Post in the same complimentary vein, "now has to realize that if she is to receive her money Germany must rigidly honor her bond."

An so on, without limitation, showing the faith of all Europe that it may now and will now rely upon the United States to play the shyllock for 100 per cent of the spoils in return for her graciously granted 2¼ per cent participation.

"This," says the Democratic World, sneeringly, but not without truth, "is the great victory which the Associated Press correspondent in Paris announces that Ambassador Kellogg and Colonel Logan have won. For twenty-five millions cash and in the guise of a grasping creditor, with all Europe divided between soreness over our rigidity about money and laughter over the naïveté of our diplomats, we have sidled into the center of the whole tangle."

So, too, the independent Times perceives that "America's new rôle will not be easy, since every effort will be made to induce her to assume greater responsibilities, and in proportion as she dissents from policies strongly advocated by one or other of the leading nations in connection with the reparations problem she will incur bitter displeasure."

Even the leading Republican organ, the Herald-Tribune, is constrained to agree with the European powers that it is "our manifest duty as a sensible creditor to assist our chief debtors in collecting from Germany, so as to enable them the better to pay us."

We have to confess that when instinctively last Sunday we proclaimed to Secretary Hughes a "Call for caution" we had no premonition of our country being decoyed overnight into such a quagmire of disrepute and danger as this. Nor surely had he, or he would not have forsaken his post. True, after hastening home, he did his best to save the situation by saying to the reporters that there was no "entanglement" in the Paris agreement, but "when asked what would be the attitude of the Government in case Germany fell down and the other signers agreed to impose penalties he was silent," although, according to the World, "Washington officials contended that under the Paris agreement the United States is not required to assist officially in the collection of reparations from Germany, but merely to receive its share from the common pot after the funds come in. Reduced to a simple formula, the administration's position seems to be that the only part the United States is called on to play is that of receiver of German gold marks, transmuted into a million dollars, the Allies doing all the work."

But even this faint ray of hope quickly faded. On the same day, Friday, came a dispatch from the Paris correspondent of the Times to the effect that, "as the time came to sign, Ambassador Kellogg, Secretary of State designate," obviously without foreknowledge of the attitude of other delegates, arose and asked the conference to agree to the American delegation signing with the reservation that the Washington Government was bound "only in so far as the rights of the United States were concerned."

The responses were quick and positive. The correspondent continued:

"Winston Churchill, the British Chancellor of the Exchequer, immediately objected that it had been understood throughout the negotiations that the United States would sign the whole agreement, which would thereby make her a contracting party of the Dawes plan.

"Finance Minister Clementel, of France, took the same stand as did Premier Theunis, of Belgium, and Finance Minister Stefani, of Italy, who agreed that the United States could not expect to collect from allied reparations payments and stand absolutely from under all responsibility.

"Before this united stand and evidently fearing embarrassing our complication on the conference, Ambassador Kellogg withdrew his reservation and, together with Ambassador Herrick and Col. James A. Logan, signed the whole agreement.

"This incident," the correspondent added, "is now in the records of the British Foreign Office and the Quai d'Orsay, and it may be expected that if the issue of German default and corresponding responsibilities arises it will be called to the attention either of Secretary of State Kellogg or his successor.

"In French governmental circles the fact that Ambassador Kellogg, who was neither head of the American delegation—Ambassador Herrick holding that titular post—nor the chief negotiator, who was Colonel Logan, made this reservation and then withdrew it on his own responsibility, is taken to mean that it was not made on instructions from Washington, but on his own initiative as the next Secretary of State.

"The French believe that Mr. Kellogg went away to-day from Paris with full realization that the signature of himself and his colleagues had definitely committed the Washington Government to partnership with the Allies in collecting reparations from Germany for the full duration of the Dawes plan."

So here we are, pledged to intervention in the cockpit of Europe, at the instance of others, during the next half century, stalled, if you please, in a corral "horse high and hog tight."

It is inconceivable that a staunch American like President Coolidge could approve an arrangement so utterly opposed to all of our country's traditions, principles, and practices. But how can he reject it without discrediting the Nation and incidentally repudiating his own Secretary of State designate? And how could Mr. Hughes, though now virtually superseded apparently, advise him with propriety to pursue such a course?

A way out may be found in the statute prohibiting commissions appointed by the President from making binding agreements or in the legal view that agreements such as that of Paris constitute treaties in effect and must be ratified by the Senate. But either of these contentions is at least doubtful.

Verily, a predicament, strange, unprecedented, and full of peril!

#### THE BYSTANDER

May we address ourself, with all respect, to the good and sincere women about to gather in our midst?

They are coming here to try to prevent future war, and as one of the chief means to that end to plead, urge, entreat, coerce, perhaps even to cajole, the Senate into ratifying the protocol which will make the United States a member of the World Court. It is a high and Christian ambition to save future generations from the horrors of war. In honest admiration we share it. Without being a pacifist, we loathe and abominate war—even the thought of it. There is nothing pretty about war. It is horrible in every aspect. In its train is misery, suffering, desolation. Man has fought from time immemorial, perhaps he may continue to fight until the end of time. But that is no proof that war is right or even necessary.

Frankly avowing our detestation of war, we take, we may modestly claim, a practical view of the question. We are not ashamed to admit our idealism, but a man may be an idealist and still not lose his hold on realities. To talk of the outlawry of war is—let us not be harsh, but simply call it bunk. You can no more outlaw war than you can outlaw malice and all uncharitableness. The world has made its progress not by drastic codes any more than it has by dreaming Utopia. Progress is practicality. Lowell's satirical gibe that "civilization rides upon a gun carriage" is not true and never was true. Civilization rides in the car of commerce. Progress is brought about by man discarding unprofitable methods for those that pay. It sounds sordid, but it is the truth. The victor enslaved the vanquished, falsely believing he was getting cheap labor, while slave labor was of all labor the most uneconomical. Let us hold fast to the verities.

The World Court may be made a very useful institution. It is one of the instruments of progress. It is a noble conception. But it will not revolutionize human nature. There is never anything catastrophic about human nature. It is a plant of slow and painful development. It toils with faltering and weary steps ever upward. It has come to its present stage by cautious experiment. It has tested and rejected many nostrums. It has clung to a few fundamentals. When nations are convinced there is no profit in war there will be no war, and not before. That time has not yet come.

What we object to is that ignorance and emotion should run riot. Many good men and women honestly believe that if the United States enters the World Court there will be no more war. That is like offering a quack remedy to the suffering. It raises hopes that can not be realized. It brings disappointment and despair; worse than that, it makes the victim distrust the honest doctor and scoff at his treatment.

What is the World Court? We ask the question because, without being offensive, we believe that the majority of the people who insist the United States must become a member has really little knowledge what the court is or its precise powers and authority. With a more elaborate machinery it is, so far as practical results are concerned, only a magnified tribunal of arbitration. Arbitration of disputes between nations, as between individuals, is as old almost as civilization itself. When there was a trivial war which was not great enough to be cause for war, two nations agreed to submit to a third its contention and to abide by the decision. It was cheaper than fighting. But it was always a voluntary submission.

The World Court stands on a similar basis. We heard a man say in a public meeting if the World Court had been in existence in 1914 there would have been no war, because after Austria had dispatched her ultimatum to Serbia, the latter would have gone to the World Court, which must have decided against Austria. We like to think the man was a fool rather than a knave; that he thought he was telling the truth rather than exposing his ignorance. What this man assumed could be done as a matter of course, Sir Edward Grey, then the British Secretary of State for Foreign Affairs, was so desperately striving for to prevent war and failed. He proposed arbitration; any method that would be satisfactory to Austria and Serbia was agreeable to him. Austria refused; her national honor, she said, was at stake, and she could not discuss it or submit it to the consideration of an outsider. Sir Edward Grey could do nothing more, and Austria attempted to clean the stain from her national honor with the sword.

That is the weakness of the World Court. There is no way by which the defendant can be brought before the bar. He may go there if he is willing, and he will always go there if the question at issue is of minor importance, and he never will go there if the risk of penalty is too great. It is precisely as if you appointed a magistrate and gave him no police to bring the malefactor before him. How much fear would the thief have of the law if the law was given authority to pass sentence and was powerless to enforce it? When two men or two nations have no desire to seek a quarrel they do not have to invoke the assistance of society; it is only when a man or a nation is a bully or dishonest that the weaker man or nation must appeal for protection to the community or the world at large. In what way is the moral tone of society elevated or the innocent victim helped by being piously told: "It is all very wrong and the aggressor is in-

famous, but all we can do about it is to tell him what we think and preach a highly edifying sermon." A man who has knocked you down because he is stronger and stolen your purse has a wholesome respect for an even stronger policeman, or two or a dozen policemen if necessary, but in snug possession of your purse he laughs at sermons and proceeds to enjoy his ill-gotten gains.

If you asked a woman whether she was willing to have the city pay the salary of a police court judge before whom wrongdoers came if they felt like it and stayed away if it was more convenient, her common sense would quickly supply the answer, but when you talk to her about the World Court she allows her emotion to control her reason. We do not discourage the expression of emotion in women; it is their charm, and a woman without emotion is as flabby as a dead fish and as uninviting; but something more than emotion is necessary to quicken a good deed in a naughty world. There are the practical questions of statesmanship and the interests and security of a nation to be protected.

The World Court is an ideal conception in a world that has not yet reached the perfection of idealism, alas!

[From the Washington Post January 25, 1925]

HUGHES TO RESCUE—BOLDLY ATTEMPTS TO SOLVE PROBLEM—NOT YET SUCCESSFUL—SENATE BARS THE WAY—IS THE PARIS AGREEMENT A TREATY?—A POSSIBLE WAY OUT

(By George Harvey)

It is most gratifying to be able to record that the turbid atmosphere which last week enveloped the Paris agreement of the allied and associated powers is in process of clarification. The chief contributor to this highly desirable advance in better understanding was Secretary Hughes who, immediately upon his return from the South, with admirable promptitude and characteristic decisiveness, abandoned his accustomed rôle of anonymous spokesman for himself and issued the following terse statement:

"The portion of the agreement reached at the recent conference in Paris which relates to the participation of the United States in the Dawes annuities has already been published in the newspapers. The full text of the agreement is on its way to this country and will be published as soon as received. In the meantime it may be said:

"(1) The Conference of Finance Ministers held at Paris was for the purpose of reaching an agreement as to the allocation of the payments expected through the operation of the Dawes plan. In view of the inclusive character of these payments it was necessary for the United States to take part in the conference in order to protect its interests.

"(2) The conference at Paris was not a body, agency, or commission provided for either by our treaty with Germany or by the treaty of Versailles. In taking part in this conference there was no violation of the reservation attached by the Senate to the treaty of Berlin.

"(3) The agreement reached at Paris was simply for the allocation of the payments made under the Dawes plan. It does not provide for sanctions or deal with any questions that might arise if the contemplated payments should not be made. With respect to any such contingency the agreement in Paris puts the United States under no obligation, legally or morally, and the United States will be as free as it ever was to take any course of action it may think advisable.

"(4) The agreement at Paris neither surrenders nor modifies any treaty right of the United States."

While this interpretation, thus boldly put forth by the Secretary, of a document, the text of which he had not read, could hardly be regarded as wholly satisfying, it nevertheless served a useful purpose in notifying European governments and peoples that whatever, if any, commitment of the United States had been made by the acquiescence of the Secretary of State designate was thereby annulled by a dictum of the Secretary of State de jure and de facto for the next five weeks.

It was high time. Exultation at having at last inveigled the United States into the discordant concert of Europe, so far from subsiding upon reflection following the first burst of unwarranted enthusiasm, was swelling in volume to a degree likely to prolong misunderstanding indefinitely and dangerously. So late as the very day on which Mr. Hughes was composing his declaration of independence, the powerful British publicist, Mr. James L. Garvin, was acclaiming in the columns of Viscount Astor's Sunday Observer the beginning of "a new era as measured by a responsible witness, no less than Mr. Kellogg, in a few weeks to become the President's right hand at Washington."

"America," he continued, "in consenting to receive a share of the Dawes annuities assumed direct and inevitable responsibility for the working of the scheme."

"Assuming that the Dawes plan should collapse and sanctions become necessary, how could the United States decline to mediate and cooperate without compelling France to occupy the Rhine again? It is vital to the reputation and interest of the United States to make the Dawes plan work, and there is no present need to paint the devil on the wall."

Far better no doubt, from the British viewpoint, to pass the buck from John Bull to Uncle Sam!

"America reenters Europe," was the heading in the London Sunday Times, which, not to be outdone in ecstasy by its rival, spoke even more joyously, as follows:

"The Paris conference will make history, because through it contact has at length been reestablished with America. The representatives of the United States who attended it were there not as observers but as active participants. They had the same official standing and carried the same credentials as Mr. Churchill or M. Clémentel.

"After five years of diplomatic neutrality, if not of diplomatic aloofness, the United States has reentered Europe. She has ranged herself again with the powers by whose side she fought in the Great War.

"The United States now has what she has not had before, a governmental stake in the success of the Dawes plan. To that extent she has ceased to hover on the outskirts and is back again in the center of the arena, a very welcome coadjutor. From that position there can be no retiring, and it may be that events will compel a further advance.

"We are quite content to leave it at that."

"To have contrived the official participation of the United States" (without presumably the consent of the Senate), the Sunday Times gratefully concluded, "is probably the last important act of Mr. Hughes's term as Secretary of State, fruitful and illustrious beyond any in American history."

But it wasn't. Far more important and far more illustrious was the Secretary's dictum, put forth on the very next day, that the great expectations aroused by Ambassador Kellogg's signing on the dotted line were wholly illusory and unrealizable.

A chill followed the fever. Instantly the foreign office announced that "Great Britain does not desire to entangle the United States in European affairs any further than the United States desires to participate in European affairs," without, however, waiving her claim of her right to do so if occasion should arise in the future, and the newspapers promptly soft pedaled all manifestations of jubilation.

France was hardly less dumbfounded by the Hughes pronouncement than by recent hints that financial obligations ought not to be wholly disregarded. Indeed, said Mr. Wilbur Forrest in his cablegram to the Herald-Tribune, "the widely published reports of Senate activity and George Harvey's editorial are astounding to the French, who are utterly unable to understand the political phases of the argument. The French are still of the opinion that the United States signature to the financial agreement is morally worth five army corps on the Rhine and the greatest argument for Germany to carry out her obligations.

"Few Frenchmen with whom I talked considered the United States involved to the extent of sending an ultimatum to Germany in case of a default, but they hoped that the United States would join in a joint allied move against any German attempt to evade the Dawes plan. This phase of the situation, more than the actual hope that the United States is ready to go to war against Germany to collect her 2¼ per cent of the Dawes annuities, led most of the allied delegates at the conclusion of the conference to issue statements tending to say that the United States was finally 'hooked.'

"To-day, however, with JOHNSON, BORAH, and Harvey utterances in the Paris press, the Frenchmen are bewildered and admit it, though they were equally astounded by Secretary Hughes's denial that the United States is even morally concerned over whether Germany pays France or not."

It may be remarked in passing that on the following day, possibly to distract attention from this appearance of obtuseness, Deputy Louis Marin made a remarkably lucid and highly enlightening exposition of the real attitude of France with respect to settlement of her debt to America; but of that, at some length we fear, anon!

Our excuse for refraining from attempt to analyze and discuss the famous agreement on its merits is plain and should suffice. We have not the text. In point of fact, speaking with full candor, we have been and still are as dependent upon the newspapers for information respecting the contents of the document as the State Department itself.

Even the "digest" prepared by Colonel Logan and cabled regardless of expense, according to the Paris correspondents, on the day Mr. Hughes presented his opinions, is not yet as available as income-tax returns.

True, on January 20 the Herald-Tribune, in commendable performance of its organic functions, "obtained by cable, as soon as it learned that the transmission of the text of the agreement through official channels to the State Department would be by mail, and therefore considerably delayed," some articles in full and others in summary, but the context in papers of this character is often too vital to justify explication in part.

But whatever may be the final judgment of the give and take inevitably involved in compromises of this nature, we frankly can not escape a misgiving as to the finality of the Secretary's conclusions which impel the President to regard the transaction as "a closed incident."

Nobody, we imagine, will question Mr. Hughes's assertion that it was "necessary for the United States to take part in the conference

in order to protect its own interests," but when he declares that in so doing "there was no violation of the reservation attached by the Senate to the treaty of Berlin," he surely opened the door for discussion by that somewhat obdurate body which never fails to maintain its prerogatives as a partner in the treaty-making power.

The reservation referred to by Secretary Hughes reads as follows:

"Subject to the understanding, which is hereby made part of the resolution of ratification that the United States shall not be represented or participate in any body, agency, or commission, nor shall any person represent the United States as a member of any body, agency, or commission in which the United States is authorized to participate by this treaty unless and until an act of the Congress of the United States shall provide for such representation or participation."

Inasmuch as both of our claims presumably settled in Paris do unquestionably fall within the compass of the treaty of Berlin, it is presumed that Mr. Hughes upholds the authority of the commission, comprising two ambassadors and an employee holding no official position, upon the technical ground that it does not answer to the definition of one "authorized by this treaty."

Senator BORAH, it is understood, and Senator JOHNSON, it is certain, insist upon a broader interpretation.

Whether the agreement does or does not put the United States under a moral obligation is a matter of opinion and clearly in dispute between Mr. Hughes and many others abroad and at home, including several Senators supposed to be versed in international law. Neither of these points in controversy is likely to be passed over without debate in the upper Chamber.

But the chief contention, if unhappily one should arise, between the Executive and the Senate, will be that which impelled President Washington to leave the Chamber in high dudgeon, never to return, and has raged ever since, over not only the true meaning of "advice and consent," but also what really constitutes a treaty. Mr. Hughes maintains that this particular arrangement does not fall within the category. Mr. BORAH is equally positive that any international agreement entered into by the United States is, in effect, and can be nothing else than a treaty requiring ratification by the Senate.

Oddly enough, Mr. Kellogg seems to agree with Mr. BORAH, since, according to the Paris correspondent of the New York Times, quite contrary to the apparent design of Mr. Hughes to keep the business exclusively in the hands of the Executive, "the Allies are congratulating themselves that they did not accept Ambassador Kellogg's proposal that the agreement should be made subject to ratification by the American Senate"—a truly extraordinary interference in our governmental procedure, induced doubtless by their previous experience with that august body.

Consequently, while, according to Secretary Hughes, high praise for his bold and admirable endeavor to solve the problem should be accredited to his prospective successor, it is impossible to escape the conclusion that what we termed last week "a predicament, strange, unprecedented, and full of peril" still exists.

Meanwhile the portentous document is wending its leisurely way across the ocean, and is due to arrive so short a time before the advent of its author that the President may decide to await the first-hand information which can be obtained by either the Executive or the Committee on Foreign Relations from the Secretary designate himself.

That might prove to be "the way out," perhaps the only way.

God speed it and him!

Mr. JOHNSON of California. Mr. President, there was one significant thing that occurred in Paris as expressed in the newspaper dispatches concerning which we know little or nothing. In order to be fair to the State Department I want to say there was a qualified denial, but, as I understand what has been printed in the press, there was no absolute denial at all of the fact that at Paris when the American delegates came to sign this agreement something occurred in the nature of an attempted reservation by Ambassador Kellogg, something which will be of controlling importance when years hence we come to construe this document to determine what the United States is bound to do under it.

It was stated in the dispatches which I have here—I have some confirmation from a private source, but I do not refer to that and I do not depend upon that in making these remarks—I have here certain statements contained in the dispatches which came across the ocean during the time of the signing of the agreement which, to put the matter very briefly, demonstrated or indicated that Mr. Kellogg asked that he be permitted to sign the agreement with a reservation that America would be bound only in respect to matters in which America was concerned. I do not state it now with absolute exactness, because I am trying to hurry through these remarks, but, in substance, Mr. Kellogg desired a reservation be made by which America could hold herself aloof in the future if it came to the question of the enforcement of the particular agreement. The instant, say the dispatches, that Mr. Kellogg offered this reservation, that very instant Mr. Churchill was on

his feet repudiating it; Mr. Clementel was on his feet denying it, and Mr. Theunis, of Belgium, was on his feet saying: "You can not do it; you can not do it"; and Mr. Kellogg, according to the dispatches, pocketed his reservation and signed the agreement without any reservation being made at all.

I do not assume to say that a wholly correct version has been given in the press; I do not assume to say, sir, that what I have stated here is entirely accurate. I am stating what has happened of necessity from newspaper accounts, because, although the reply of the Secretary of State contains a wealth of information that will require weeks for us to digest, I find nothing in it concerning the particular incident of one sort or another. But, sir, assume for a moment that Mr. Kellogg did seek a reservation to the agreement, what does it demonstrate? It shows conclusively what was in that astute lawyer's mind when he was signing the agreement. And the repudiation of it is the complete demonstration of what was in the minds of the other signers of the document when they would not permit a reservation of any character to be appended to the document. That, if it occurred, was a contemporaneous construction of this document that will return to plague us. I repeat again and again, so that I may not be misunderstood, that I am depending upon press dispatches, and upon press dispatches alone I predicate what has been said in this regard.

It is an unfortunate thing, sir, that we should not know everything that happened at Paris. What a strange sort of commentary it is upon the great democracy of the world that we in this Chamber learned from the London Times the terms of the agreement that was signed at Paris! A copy of the agreement taken from that journal was put into the RECORD by the Senator from Minnesota [Mr. SHIPSTEAD] more than a week prior to a response by the Secretary of State to our inquiry. What a strange thing it is, sir, that in this democracy we do not know what we are doing abroad and have not the slightest conception of what our representatives are signing at Paris until advised from Paris by cable dispatches in the newspapers! And generally our information of what happens there is first derived from foreign newspapers, and then American newspapers tell us something of what has occurred. What a strange thing, Mr. President, that during the week of felicitation and congratulation, when all Europe rang with praises and sang this concert of hosannahs because "America had come back into Europe"—what a remarkable thing that during that week of thanksgiving in Europe that "America had come back and was here once more," we never heard a word in the United States of America of what America had done or what America had contemplated or what America's fate might be in the future; and it was only after that distinguished patriot and that great diplomat, George Harvey, in his Sunday article printed what he did concerning what had transpired abroad that we got the forthright and direct statement of the Secretary of State as to the participation and responsibility of the United States. What a strange commentary it is upon this freedom of ours, of which we boast; what a strange commentary it is upon our vaunted knowledge, greater knowledge we insist than exists with the people of any other government on earth, that the French newspapers published on the 14th and 15th of January this agreement and commented upon it; that the London Times printed this agreement on the 15th day of January and commented upon it, and that there was only one country that was a party to it—just one—that did not understand it and know its terms and all about it! I have no doubt the agreement was published in Rumania and in every other country that was a party to the agreement, and many of them were parties to it; I have no doubt it was published in every one of them; but we have it at last; it has been printed in the CONGRESSIONAL RECORD. Congratulate yourselves, Senators, that we got it into the CONGRESSIONAL RECORD through the London Times of January 15. Victory for the Senate! Victory for our democracy! Our people knew the terms of the agreement only when it was put into the RECORD from the London Times, published on the 15th day of January, 1925. It is a glorious thing, perhaps, that some of you take the London Times. I do not know where the Senator from Minnesota obtained his copy of the London Times, but it was of value to us, for it gave us in the CONGRESSIONAL RECORD, the official record of what transpires in Congress, the document we desired. So much for that, sir. I leave the second of these propositions to you, Senators, who are familiar with constitutional law and who may be jealous of the prerogatives of the Senate.

I wonder if there are any Senators now who are jealous of the prerogatives of the Senate? I wonder more, sometimes, whether there are any men in public life who are jealous of

the rights and the future of the American people. But if any of you here are jealous of the prerogatives of the Senate, jealous of the prerogatives of the Congress, if any of you here like to prate about your Congress and what it does, let me commend to you what was done in Paris in taking a liquidated debt of the United States—read Mr. Churchill's statement about it—reducing that debt, and settling it exactly as Mr. Kellogg and Mr. Herrick and Mr. Logan, excellent gentlemen all, desired to settle it at Paris.

Congress? Congress? Congress? Why recall the New Haven speech of the distinguished Secretary of State when he was speaking of debts due the United States, and when he said:

The administration must also consider the difficulty arising from the fact that the question of these obligations which we hold, and what shall be done with them, is not a question within the province of the Executive. Not only may Congress deal with private property of this sort but it has dealt with it.

He was referring then, I ought in fairness to him to say, to the debts that were due us from the nations of Europe, really other than Germany; and with regard to these debts that were due us from other nations he said it was a matter for Congress to deal with them, and that the Executive had nothing to do with them. In dealing with the debt due from Germany to us Congress has nothing to do with the matter, and the Executive, under the authority of the Boxer rebellion claims, may deal as it sees fit!

These things I leave with you. My purpose, in closing, I say has been this: I have been trying to present the facts as they appear from the publications abroad and those at home. I have been endeavoring, sir, while accepting fully and absolutely the statement of the Secretary of State and the position that I assume to be that of the present Republican administration, to point out what may possibly occur in the future. I have been endeavoring, sir, to arouse, if I am able to arouse, a little of interest in my brethren in a question which may become harassing and most important to the United States in the days to come. I have been endeavoring, sir, if I can, to arouse in them that activity from which expression may be had in order that there may be no mistake among those with whom we are upon terms of amity and friendship as to the action of the United States in the future. I have been endeavoring, sir, in a record here, so far as I could in my feeble fashion, to point the way to put upon notice those who may claim otherwise concerning the responsibility of the United States of America under the agreement which has been signed at Paris.

I deny, sir, the responsibility of the United States of America under that agreement or under any agreement. I deny, sir, the right of any man or any set of men, ambassadors to England or to France, as the case may be, or officers of the Army, to tie the United States into that which is occurring in Europe to-day. I deny, sir, the power even of the Executive of this Nation to take this country into a political turmoil or political entanglement out of which there may come in the days in the future either the treasure of this Nation or out of which there may be a drain upon the blood of America. I deny the right of any and of all to embroil this country in the mysteries abroad and in Europe's difficulties over there. I spurn, sir, with the utmost contempt, the right of anybody, for a 2¼ per cent indefinite part of reparations in an uncertain future, to take this Nation of ours and make it a collector for all Europe of Germany.

I deny that there is any such power in any committee, in any ambassador, in any Secretary of State, or in any President, sir; and denying that power, holding the views that I hold upon this question, hoping in some little degree to arouse something of the spirit that ought to exist in this body; hoping, sir, to arouse a bit of the American people to the perils that they must confront in the future if these European gentlemen are correct in their interpretation, I have risen here, in no spirit of hostility or enmity or politics at all, to speak what is in my heart, and to do what little God gives me the power to do to keep America as America has ever been and as I ever want America to be. [Manifestations of applause in the galleries.]

#### GOOD ROADS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4971) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes, approved July 11, 1916," as amended and supplemented, and for other purposes.

Mr. STERLING. I ask that the pending amendment be stated.

The PRESIDING OFFICER. (Mr. JONES of Washington in the chair). The Secretary will state the amendment.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll. The roll was called, and the following Senators answered to their names:

Ashurst	Fernald	Ladd	Shipstead
Ball	Ferris	McCormick	Shortridge
Bayard	Fess	McKellar	Simmons
Bingham	Fletcher	McKinley	Smith
Borah	Frazier	McLean	Smoot
Brookhart	George	McNary	Spencer
Broussard	Gerry	Mayfield	Stanfield
Bruce	Gooding	Means	Stanley
Bursum	Hale	Metcalf	Sterling
Cameron	Harrell	Moses	Swanson
Capper	Harris	Neely	Trammell
Caraway	Harrison	Norris	Underwood
Copeland	Heflin	Oddie	Wadsworth
Couzens	Howell	Overman	Walsh, Mass.
Curtis	Johnson, Calif.	Pepper	Walsh, Mont.
Dale	Johnson, Minn.	Phipps	Warren
Dial	Jones, N. Mex.	Pittman	Watson
Dill	Jones, Wash.	Ransdell	Wheeler
Edge	Kendrick	Reed, Mo.	Willis
Edwards	Keyes	Reed, Pa.	
Ernst	King	Sheppard	

The PRESIDING OFFICER. Eighty-two Senators have answered to their names. A quorum is present.

Mr. REED of Pennsylvania. Mr. President, I ask that the pending amendment be stated from the desk.

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The READING CLERK. On page 2, line 3, it is proposed to strike out "\$75,000,000" and to insert "\$60,000,000."

Mr. REED of Pennsylvania. Mr. President, this amendment and the amendment which follows it will reduce the amount of the authorization for 1926 from \$75,000,000 to \$60,000,000, and the amount of the authorization for 1927 from \$75,000,000 to \$50,000,000. The purpose of offering these amendments is to set the Federal Government toward getting out of this business of raising money for expenses of the several States.

It seems to me that the President, in his Budget message, was entirely right when he said that this is in effect breaking down the sovereignty and self-reliance of the separate States of the Union. I do not feel so much compelled by the argument that the larger States of the East are bearing the greater part of this burden. It seems to me necessary that they must bear the greater part of the burden of all Federal expense, because in them is the greatest part of the wealth of the country. I offer these amendments because it seems to me that this is not a proper Federal expense, and that the sooner the Federal Government gets out of this business of State subsidies the better for all concerned.

Mr. PITTMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Nevada?

Mr. REED of Pennsylvania. I yield for a question.

Mr. PITTMAN. I agree quite heartily with the Senator in regard to maintaining State sovereignty, and I desire to call his attention to the fact that the West was forced into federalism by reason of the fact that the land upon which the States generally depend is used by the Federal Government for forest reserves, national parks, and Indian reserves, and the public lands are withheld from taxation. I merely call that to the attention of the Senator so that he may see the unfortunate position in which we still find ourselves.

Mr. REED of Pennsylvania. I am glad the Senator called attention to that, because it gives me a chance to qualify what I have just stated. I believe that where the Federal Government preempts, or retains in its control, a large part of the area of a State, it is entirely proper that it, like any other property owner in the State, should join in the burden of constructing the public roads of the State. But there is no excuse, in my judgment, for the Federal Government granting to the State of Pennsylvania any amount for the building of Pennsylvania roads. The State of Pennsylvania contains no Government lands in any appreciable quantity, except an occasional military reservation, or a post-office site. The State of Pennsylvania is perfectly able to build its own roads, and it ought to do so. What is true of my State is equally true of all of the States of the Union in which the Government has not preempted a large part of the area, as it has in Nevada, for public lands or public reservations, or Indian reservations, or other reservations of one sort or another. I draw a sharp distinction between a State like Nevada, in which more than three-fourths of the area is still retained by the Federal Gov-

ernment, and the greater number of States in which that condition does not exist.

It seems to me that getting the Federal Government out of this business of subsidizing the States ought to appeal to every man who has at heart the fundamental doctrine of State rights. It seems to me that at the present time the very independence of the States is being bought away from them by this method. It is only a few days since several of the officials of Pennsylvania who are interested in road construction came to this city to ask the permission, if you please, of a Federal official to improve a road in Pennsylvania. Such a condition of affairs is shocking. Any system that will lead to such a loss of independence as that seems to me to be unfortunate, and the quicker we get out of it the better it will be for the self-reliance of the States and, needless to say, the better it will be for tax reduction and economy on the part of the Federal Government.

Mr. BROOKHART. Mr. President, I have been very deeply interested in the remarks the Senator from Pennsylvania has just made. I myself believe that the States are losing a good deal of their independence, but I do not think they are losing it through Federal aid. I do not say that I am favorable to the Federal-aid proposition, but the independence of these States is lost through the economic situation in the United States.

Every State in the West is paying tribute on everything to Pennsylvania and to New York because of our economic organization. Our transportation system, controlled in the eastern section where the great wealth is accumulated, collects a large tribute from all the States of the Union, and it all goes back to New York, Philadelphia, and Pittsburgh, and those cities are built up by this tribute which they are collecting.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. BROOKHART. I yield.

Mr. REED of Pennsylvania. Was not the West very glad to get the money to construct those public utilities?

Mr. BROOKHART. Yes; and I will just give you an instance showing how they got it. Take the Union Pacific Railroad. They got about \$30,000 a mile from the Government to start with. They sold about that much more in bonds, and then they sold about \$10,000 a mile of stock. They sold nearly all of that to the western people, about \$70,000 a mile altogether, and it cost about \$30,000 a mile to construct the road. That is the way they got the money from your folks to build our roads. You came out and took 158,000,000 acres of our land—I believe that was the quantity—and donated it to these railroads. One-seventh of the State of Iowa was given to the railroads. Taxes were levied in towns and townships, bonds were issued by counties all over the West, and out of the money which we put up, buying your bonds and paying your taxes, you built roads; but after you built them you owned them back in New York. We did not own them out West. The headquarters of a railroad may be out in Iowa, but the headquarters are always back in New York. [Laughter.]

Mr. COPELAND. Mr. President, may I ask the Senator if the New Yorkers did not leave the road out there?

Mr. BROOKHART. Yes; and then New York created an Interstate Commerce Commission to charge us all the operating expenses of the road, and then 5¼ per cent return upon a valuation which is at least one-third water to-day—5¼ per cent—which is more of a percentage than it is possible for the American people, for American capital, for the American unearned increment to earn; which is more than the total increase of wealth in the United States as a result of all the work of all the people and of all the earnings of all the capital.

Where I disagree with the Senator from Pennsylvania is in this: I would like to double that appropriation, make it \$150,000,000 instead of \$75,000,000, and then cut out the State aid. That would do something like justice to these outlying States, and anything short of that is not justice.

Take a farmer out in Iowa to-day. What can he do? What use has he of a hard road which runs right past his own farm? He does not dare turn his pigs or his cattle or his horses out on the road. They would get run over by somebody from Pittsburgh. [Laughter.] If he drives his team on that road, he has to get off to one side to let the big Pierce Arrow cars go by. The hard road is a positive nuisance to him in the use of his farm. It is also a benefit, but not all benefit. Not only that, but we levied an assessment on those farms at 25 per cent of the cost, and practically every farmer on whom the assessment was made has been unable to pay it, and his farm has been sold at tax sale. That is the situation out in the best agricultural spot in all this world.

Mr. President, there is something about this relativity proposition that does not work out in favor of the little fellow.

Consider our banking system. I was talking with the vice president of a big New York bank yesterday, and he told me how he had climbed up from a one-mule farmer down in Tennessee to be vice president of that great bank. I asked him where he got the money in his bank. He said he got it from Tennessee, from Iowa, from Illinois, from the Dakotas, and from all over that country out there. Where does he lend it? He lends it to the stock brokers and the stock gamblers down in the Wall Street crowd at from 2 to 3½ per cent. That is our money again, collected and loaned to those people in that way, and while he is doing that our farmers out West are paying 6 per cent, and in some States 10 per cent, and in some even 12 per cent for their bank loans.

Senators will all remember what happened down in Wall Street following the recent election. Stocks and bonds went up. I saw in one estimate that they had gone up over \$3,000,000,000, and they went up a billion or so after that, which again means that the producing people of this country—the western people—must pay the dividends and the returns upon that fictitious value which is created down there in that market. That makes another tax and another demand on the people of Ohio, and of Indiana, of Illinois, and of all of the other Western States, as well as the people of the Southern States.

Our economic organization is built up in that way, and our outlying people in every direction are paying tribute to that system. Our banking system is a monopoly of credits. If a farmer wants to organize a cooperative bank, he can not do it under the law of the United States. He can not do it under the law of any State in this Union. He can not organize a purely and truly cooperative bank anywhere. He has no right under the law to organize his own deposits in any cooperative bank system under his own control in the United States. He is tied fast to this competitive system which centers in New York and runs through Pittsburgh.

The same is true all the way through. We have a protective system for the industries of the East. We have a protective system for the railroads, as the result of a law which fixes a valuation for them 50 per cent above their market value at the time that market value was fixed. We have a protective system for the public utilities which fixes a return to them of from 6 to 8 or 10 per cent upon their invested capital, and I want to say again that all the earnings of all capital and all labor and everything else, all the unearned increment, and all increase in property value, and all depreciation of the dollar and everything else that affects it, from 1912 to 1922 only increased the national wealth by 5½ per cent a year. There is something out of balance. There is something taking our independence. It is this economic system, which is built upon these theories, while it leaves the great agricultural population to struggle with the competitive markets of the world.

Mr. President, I want this amendment to be voted down, and if I have a chance, I will offer an amendment to make that appropriation \$150,000,000, and we will end the State aid, leaving them entirely independent and let the Government build its roads, as it ought to build them.

Mr. REED of Pennsylvania. Mr. President, I am very glad the Senator from Iowa has spoken just as he has, because he has given me an illustration that is most apt. Should it not be obvious to all of us that if we go on in this way, centralizing power here in Washington, and exposing the States each day, in a new way, to control from Washington, it will not be very long, with all power centralized here, before a majority of the States will tear with their fangs, as the Senator would have them, at any State that for the moment appears to be prosperous? Let your cotton crop sell at a high figure and all of the rest of us, like wolves dashing at a piece of meat, must get together and take from those temporarily fortunate cotton States taxes in one form or another to apply to the wounds of the States that are not at that moment so prosperous. The Senator's argument illustrates as forcibly as any human words could illustrate the wisdom of those ancestors of ours who kept to the separate States a complete measure of independence from such attacks as that.

I remember the time when corn and wheat and the other products of Iowa were selling at a high price, and the products of my State were sternly held down by governmental regulation, and it seemed to me it would be mighty nice if Pennsylvania could in some way get for her people those Iowa products at a lower rate. I can remember when their farm lands in Iowa jumped to three and four times what they had been the year before.

We all remember those days in the time of the war. Mill property and much of the property in the East was not rising in the same way, and it seemed to us that they were the

avored of the earth, just as it seems to them now that we are. What I mean to say is that if we are going to subject each of the States to the unrestrained rapacity of the others our Union can not last, and what the Senator from Iowa has said illustrates the point better than anything I myself could say.

Mr. FLETCHER. May I inquire of the Senator if he does not lose sight entirely of one of the purposes of the roads, the post-road feature, which the Government itself, of course, inaugurated?

Mr. REED of Pennsylvania. I do not forget that the theory on which this is done is the post-roads clause of the Federal Constitution. It seems to me that that is more an excuse than a reason for the appropriation. We might as well argue that the Federal Government should pave the streets of New York City because Federal mail trucks use them. We might as well argue that all the road repairing and road construction should be attended to from Washington, provided that a mail truck or rural delivery carrier used the road to be repaired or constructed. Those are excuses, not reasons.

Mr. STERLING. Mr. President, I hope the amendment of the Senator from Pennsylvania will not prevail. I think the Senator from Pennsylvania, as well, perhaps, as a few other Senators, are inclined to base their objection to the bill on the wrong theory or principle. This is not, as the Senator from Pennsylvania characterizes it, a subsidy of the National Government to the several States of the Union, nor is it destructive of the initiative on the part of the authorities of the several States of the Union. It may invite the exercise of initiative on the part of highway authorities in regard to the construction of roads, but it does not destroy initiative.

Why is this not a subsidy of the Federal Government to the States? It is because every added facility for the transportation of the commerce of the country, the products of the country, to the great markets of the country helps in the building up of the Nation. It means national wealth, it means national welfare, and it means the prosperity and wealth of New York, Philadelphia, Boston, Cincinnati, Chicago, and other great cities of the East and Middle West which are dependent to a great extent upon these commercial facilities. So what we are doing here is in promotion of the national welfare.

Mr. NORRIS. Mr. President, may I interrupt the Senator? Mr. STERLING. Certainly.

Mr. NORRIS. I must apologize to the Senator because I was called out of the Chamber and returned just in time to hear the latter part of the remarks of the Senator from Pennsylvania. I would like to know what the amendment authorizes. What is the amendment, and what does it provide for?

Mr. STERLING. On page 2, the Senator from Pennsylvania would by his amendment strike out in line 3 the figures "\$75,000,000," and insert "\$60,000,000," and in line 5 he would strike out "\$75,000,000," that being the authorized appropriation for 1927, and insert "\$50,000,000." It would reduce the authorization to that extent.

Mr. FESS. Mr. President, I appreciate the position taken by the author of the amendment, and have some sympathy with the policy he wants to introduce. I take it the policy means that ultimately in a definite time we shall discontinue Federal aid to road building.

I come from one of the States that would be called wealthy. My State will pay its proportional amount of the additional aid. But I believe that the proper theory of the Government is that the Nation must be looked upon as a unit and, while recognizing the various States in their individual sovereignty, that we ought not to build the territorial boundaries so high that a citizen in Ohio is not interested in what is done over in Indiana, or a citizen in the northern section is not interested in what is done in the southern section, or a citizen in the East loses his interest in the far West. In other words, the Government must be looked upon as an entity, and the people of Ohio must be interested in the people of the furthest sections of the country. The development of any section that is yet undeveloped is not confined in its interest to the people who live in that section where it is being developed, but extends to all parts of the country, old as well as new.

I think that our policy, inaugurated some time ago, of giving Federal aid to all the States, not only in the way of road building, but also in the way of general improvements, and in the way of education, is a policy that is wise. There is no doubt that it is a definite policy that is not to be abandoned. I should hope that it would not be abandoned. Heretofore the objection to the policy was on the basis of State rights, for fear we would lose the local control.

However, that is avoided in all of our recent legislation looking to Federal aid. There is not, so far as I know, a single bit

of legislation for Federal aid that does not write into its terms the full control over the particular matter, outside of the mere application of the money. It is true that on the question of education we extend aid to the various States, but in the extension we write into the law that the application of it as to the courses taught, the subjects taught, the manner of teaching, all the things that appertain to the local interests, are left within the local authorities.

That is written within the law itself, so that I do not fear what many of our legislators fear, that this policy of Federal aid is denying the rights of the States. I think the rights of the States are conserved in the law itself. It is true that the appropriation of money out of the Treasury of the United States will carry with it some control of the money in its application. We all understand that, and in that sense we find it in road building. The thing I rose to state was that when we come to the improvement of roads it is not the interest of the States only through which the roads are being built, but it is the interest of the entire Nation.

To advert to what our friend the Senator from Iowa [Mr. BROOKHART] said a moment ago, I think the Senator left an inference of criticism of the policy of building of the transcontinental railroads. I do not think that policy was unwise. On the other hand, I think it was one of the wisest things the Nation has undertaken, for we all know that had it not been for the building of the transcontinental transportation lines we never would have developed the empire beyond the Mississippi. It was through that method that that wonderful empire was built up and developed; and while it is true that we voted 130,000,000 acres of land and we expended sixty millions of dollars in subsidy, yet what does that amount now mean when compared with what those States have developed since that day? I do not believe they would have developed had it not been for the policy that was inaugurated, and it seems to me that the policy now being criticized is a policy that really ought to be commended.

Mr. WADSWORTH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New York?

Mr. FESS. Certainly.

Mr. WADSWORTH. I would ask the Senator, as I assume he has studied the question thoroughly, how long he thinks it will be necessary for the Federal Government to continue to spend \$75,000,000 a year for this purpose?

Mr. FESS. That is a matter which must be left to the judgment of the legislators.

Mr. WADSWORTH. Of course, there is no doubt about that.

Mr. FESS. Answering the question specifically, I can not say how long it may be and am not now able to state just how far the Government should go in aiding in the building of lateral roads. I think the Government without a doubt ought to extend Federal aid on all of the great trunk lines, from the interest of the whole people as a unit. When the trunk lines are completed how far we ought to go in the building of lateral roads is a question that I have not studied.

Mr. WADSWORTH. Can the Senator state how far we have gone in the building of trunk lines? Let us see if we can get some basis of common understanding.

Mr. FESS. We have the Lincoln Highway, which is fairly well completed, almost all of it by Federal aid. I do not know how many highways are in the course of construction, but we have not been at it very long in the matter of Federal aid to road building. We really have made wonderful progress. If you confine me to my own State, it is a remarkable achievement, because we have the State intersected with trunk lines in every direction. There is a line from Cincinnati to Cleveland known as the Three C's, and a line which runs through the State from Wheeling through Columbus and Springfield to Indianapolis, known as the National Highway, and these roads are named as Nos. 1, 2, 3, 4, and so on. Our State is intersected in every direction with trunk lines.

Mr. WADSWORTH. So, may I say, is the State of New York; but I notice they are still spending Federal money.

Mr. SWANSON. If the Senator will permit me, I desire to say that three-sevenths of this expenditure is confined to trunk lines by an amendment which was made to the law in 1921.

Mr. COPELAND. Mr. President, we on this side of the Chamber should be happy if we could hear the conversation which is proceeding on the other side of the Chamber.

Mr. SWANSON. I was simply informing the Senator from New York [Mr. WADSWORTH] that under the law three-sevenths of the Federal expenditure is confined to trunk lines by an amendment which was made to the law in 1921.

Mr. WADSWORTH. That is a little different conception of the situation than that which I have just received from the

Senator from Ohio [Mr. FESS], who said he believed it all ought to be expended on trunk lines. How far the Government should go in the construction of lateral lines he intimated he would consider later.

Mr. SWANSON. It depends to some extent on what may be considered trunk lines; but to insure that the money shall be spent on roads over which there is more or less interstate travel and not on roads which are confined to the local use, a provision was incorporated in the law requiring the approval of the Bureau of Roads in Washington of any project which was sought, so as to guarantee that the money would be spent on roads, one-half of the traffic on which, and generally more, was interstate. The States must furnish an amount equal to that provided by the Federal Government, and to insure that the money shall be spent on trunk lines we amended the law and provided that three-sevenths of the expenditure should be confined to such roads.

Then, as to other projects, where the State also furnishes one-half and the Federal Government furnishes one-half, to insure that the money shall be spent where there is a Federal interest involved, either in the way of star routes or the carrying of parcel post, it is required that there shall be the approval of the Federal road department to see that that purpose is accomplished.

Mr. STERLING. And if I may add a word to what the Senator from Virginia has stated, he referred to the fact that three-sevenths of the money which is appropriated must go to the construction of interstate roads; but the other four-sevenths must go to the construction of intercounty roads which are connected with or correlated with the interstate roads. That is according to the law of 1921.

Mr. FESS. Mr. President, probably I was not sufficiently explicit in my statement in reference to the trunk-line roads. I meant to say that I thought there was no doubt the Government should continue its aid until the main trunk lines are built. I do not mean to say that the Government should not aid in the construction of lateral roads, although I think that should be determined in part at least by the character of the territory through which the roads run. I am not saying that the Government should not aid in such construction, but I do not know how far we ought to go.

I will say to my friend from New York [Mr. WADSWORTH] that my position with reference to this legislation is that we are living in a time when we are now, and going to continue to, build roads; when we are never going to abandon them or permit them to be worn out and not be improved, or permit them to get into a worse condition than if they had not been built; in other words, we are establishing a basis of expenditure, and while it is heavy we are going on with it. When the roads shall have been built then it will be a problem as to how they are to be kept up. It seems to me that in road matters maintenance constitutes one of the main features, and that the roads ought to be maintained by the people who use them, which could be done very equitably.

I am, however, thoroughly opposed to the suggestion of the Senator from Iowa [Mr. BROOKHART] that all the work should be done by the Federal Government, and that we should cut out the State appropriations. I would not submit to that at all.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Pennsylvania?

Mr. FESS. I yield.

Mr. REED of Pennsylvania. What does the Senator from Ohio think of the other suggestion of the Senator from Iowa that the Federal taxing power should be used as an instrument of revenge by the States that conceive themselves to be injured?

Mr. FESS. I did not understand my friend from Iowa to say that, though it sounded very much that way. I do not think, however, he meant that. I, of course, would not indorse such a conclusion.

Mr. SWANSON. Mr. President, will the Senator from Ohio yield to me?

Mr. FESS. I yield.

Mr. SWANSON. If the Senator will permit me, in order to show the spirit of justice which is involved in the good roads law, when the Federal Government spends any money on a trunk-line road, as I understand—and I am sure I am right—the State has to agree to assume the obligation of keeping that trunk line in order for all time to come.

Mr. FESS. That is in the statute.

Mr. SWANSON. That is the law.

Mr. WADSWORTH. I am entirely aware of that; I have not criticized it.

Mr. SWANSON. The provision is contained in the law that after a road has been built the State must assume the obligation to keep it in as good order as when turned over to it. The State not only furnishes half the money, but it then agrees to keep the road indefinitely in the same condition in which it was when it was turned over to it. That provision has been in the law from the beginning, in order that we should not have roads built and then that they should be allowed to deteriorate.

It seems to me instead of complaining of the States shirking their duty, in view of the fact that frequently a trunk-line road is ten times more interstate than it is intrastate, the States are assuming a burden largely on account of the people in the large cities who own automobiles and who have the money and leisure to travel, and that, therefore, they ought not to complain. I know that in my State to keep up the roads where the Federal aid has been given requires the imposition of heavy taxes, and a great deal of money is spent for that purpose. When such roads have been built, as I understand the law, should the States fail to keep them up to the condition in which they are when turned over to them, the Federal Government can step in and prevent the expenditure of any more money on them. If we desire to develop this country, I do not know of a system which is better directed to that end than that adopted under the present road policy of the country.

Now let me make another suggestion to Senators who live in the large cities. At the time the road bill was passed we asked the Bureau of Roads in the Agricultural Department to estimate, so far as it could, the cost of transporting agricultural products from the farms to the places where they were shipped abroad, including even the charges to Liverpool. The bureau spent a great deal of time and made accurate estimates, which disclosed that on the average it cost more in the United States at that time to transport products from the farm to the shipping depot than it did to carry them to New York and other exporting points and even to Liverpool.

So it seems to me that this question is of such general interest that it would be unreasonable to expect the people who live along the line of these roads, which cost from thirty to forty thousand dollars and more per mile to build—and it now costs as much to build public roads as it does to build railroads under present conditions—to have their lands taxed in order to supply all road improvements. Such a policy would mean no road construction.

During the World War an estimate was made of the cost to build a road from Washington to Newport News, which was the export place for many of our troops and supplies. It was thought possible that if a road were built from Washington to Newport News the troops and supplies could be sent over that road more promptly than by means of the congested railroads. When the report came in it was ascertained that it would cost as much per mile, if not more, to build that road than it would cost to build a railroad.

Mr. WADSWORTH. Mr. President—

Mr. FESS. I yield to the Senator from New York.

Mr. WADSWORTH. The Senator from Ohio is very generous and courteous in the matter of yielding. I might say that all this colloquy has apparently arisen from the fact that I addressed a question to the Senator from Ohio to this effect: How long did he think it would be necessary for the Federal Government to appropriate money at the present rate? I have not criticized the system or the principle involved in it, but I have not received an answer or anything like an answer to my question. The Senator from Virginia mentioned the immense benefit to the farmer.

Mr. BROOKHART. Mr. President—

Mr. WADSWORTH. Just a moment, please—the Senator from Virginia mentioned the benefit which the farmer received from an improved road which may be built past his farm, enabling him to get his products to the shipping station much more cheaply. That is true, in my judgment; but the Senator from Iowa says that a hard road is a nuisance to the farmer. Now, I should like to have that difference straightened out.

Mr. SWANSON. I think that—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Virginia?

Mr. FESS. I yield to the Senator for a statement.

Mr. SWANSON. I feel that the Federal Government ought to bear its part of the burden, and the State government ought to bear its part of the burden.

Mr. WADSWORTH. I have not denied that.

Mr. SWANSON. I am not in favor of a policy which would invoke the aid of the Federal Government when certain States might be enriched by the use of its power, and then, when it

comes to developing other portions of the country, invoke State rights to prevent the use of funds that ought to be distributed for national development.

Mr. WADSWORTH. I can not see why the Senator from Virginia has addressed those remarks to me with such emphasis. I have not said anything that would evoke such an observation from him. I am merely asking, How long do Senators believe that this series of appropriations shall continue? That is all I have asked.

Mr. SWANSON. So far as I am concerned, I have said they ought to be continued until the road system of this country is developed.

Mr. WADSWORTH. How long will that be?

Mr. SWANSON. I can not tell. It will depend upon how much the Federal Government will give and how far it will go to bear its part of the burden.

Mr. FESS. Mr. President, the question of the Senator from New York [Mr. WADSWORTH] is clear-cut and very difficult to answer satisfactorily to him or to me, for nobody knows how far we are going, and no one knows as yet what is the measure of the necessities of the case.

Mr. WADSWORTH. Then, may I interpose another suggestion or question?

Mr. FESS. I yield to the Senator.

Mr. WADSWORTH. Has anyone in public authority drawn up a map of roads to be improved by Federal aid and by the States which will display to the Congress the plan toward which we are building?

Mr. FESS. There is such a map, but it is not a completed plan so as to indicate that when all the road projects shall be developed there will be nothing more to be done.

Mr. WADSWORTH. Why is it not completed?

Mr. FESS. I presume merely because we have a hit-or-miss policy in road building.

Mr. WADSWORTH. That is just what I was about to complain of. I am glad that that admission has come from the lips of the Senator from Ohio, rather than from mine; otherwise, I would have had addressed to me with considerable emphasis some observations by the Senator from Virginia.

Mr. FESS. I hope the Senator from New York will recognize that whenever he speaks, because of the fact that he never speaks merely to be heard but always says something, he brings a "rise" out of many Senators.

Mr. President, I can state in just a minute my view of the pending legislation. I will not support the amendment of the Senator from Pennsylvania [Mr. REED] because it is contrary to the policy that we have now in vogue. I will support the bill as originally reported and now before the Senate because it is in harmony with that policy, and I will support it with the same interest that I would have in voting a tax upon the rich man to help educate the children of the poor man. In other words, that is the basis of our nationalization to-day. We make the wealthy State, in proportion to its wealth, help do the thing that ought to be done for the welfare of the entire Nation without much regard for State lines. We also require the wealth-producing element that pays the taxes to educate the children of those who do not pay taxes just the same as the children of those who do pay taxes. That is really the penalty that is attached to being a rich man or a rich State.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Pennsylvania?

Mr. FESS. I yield to my friend.

Mr. REED of Pennsylvania. If the thought which the Senator has just expressed is to be accepted literally, why does not the Senator propose that all road costs throughout the United States shall be borne by Federal taxation? Why draw the line at \$75,000,000? Why not make it ten times that amount?

Mr. FESS. We draw the line on the amount with special reference to the Treasury.

Mr. REED of Pennsylvania. It seems to me that our taxing power could extort more money than we do and devote it to road maintenance.

Mr. FESS. It could, but I think it would be very unwise to do it.

Mr. REED of Pennsylvania. Does the Senator realize that of the taxes on individual incomes which the United States is now levying 10 per cent goes to this particular item of appropriation which the Senate is asked to pass offhand and without very much consideration?

Mr. FESS. The Senator from Ohio was informed a while ago that it was about that proportion, but I doubt whether there is any appropriation that will yield greater benefit than that which goes into the building of good roads.

Mr. REED of Pennsylvania. It has not been observed, perhaps, with regard to this particular Federal expenditure that the efficiency of Federal operation is impaired as its scope is unduly enlarged, and the efficiency of State governments is impaired as the States relinquish and turn over to the Federal Government responsibilities which are rightfully theirs. I am opposed to any expansion of these subsidies. My contention is that they can be curtailed with benefit both to the Federal and State Governments. Does the Senator agree with that?

Mr. FESS. I think it is an unfortunate fact that as the expenditure of money is increased inefficiency creeps in; that ought not to be the case, but it seems to be the rule. I also admit the statement that every encroachment of the Federal Government upon the States will interfere somewhat with State sovereignty; I admit that.

Mr. REED of Pennsylvania. Does the Senator think that these particular appropriations can be curtailed with benefit to both the Federal and the State Governments?

Mr. FESS. The Senator from Ohio believes that road-building is one of the great necessities of our time. The automobile has compelled it; the automobile has entirely changed not only our industrial but our social life, and we have to live in the time in which we are living. We can not live 10 years ago.

Mr. REED of Pennsylvania. Certainly; and we need proper police protection, and we need proper sanitation, and we ought to have our streets swept; but does the Senator think that the Federal Government ought to do those things?

Mr. FESS. The Federal Government should attend to the things which pertain to sanitation, provided the State does not do it. We do that right along. We do it in cases where the health of the country under quarantine requires it.

Mr. REED of Pennsylvania. Would the Senator advocate an extension of these authorizations for more than 2 years? Would the Senator be willing to authorize \$82,500,000 for the next 10 years, instead of each of the next 2 years?

Mr. FESS. The Senator is of opinion that the time is to be determined wholly by the amount of work to be done. We are just now talking about a public buildings bill to extend over 10 years. I shall not vote against it because the time is 10 years. If we need it, that is the thing to do.

Mr. REED of Pennsylvania. What plan, what definite outline of the work to be done, has the Senator seen which warrants him, in his judgment, in voting for this bill as it stands?

Mr. FESS. The only basis on which I vote for the bill is my observations on the need of road building, some of it in my own State, others of it in the western sections of the country. I am convinced that we are making no mistake in this particular bill. I know how my friend from Pennsylvania feels about it, and there are many Senators here who take the same view, and I not only have great respect for their judgment but I have considerable sympathy for their view with regard to the thing they want to avoid; but I do not believe that the danger they see in this bill is inevitable. On the other hand the roads will not be built for the sake of the people—and they ought to be built—unless aid is given to the States by the Federal Government.

Mr. WILLIS and Mr. ODDIE addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield; and if so, to whom?

Mr. FESS. I yield to my colleague.

Mr. WILLIS. Mr. President, I desire to ask my colleague whether, from his long experience in another body, he recalls when the original act for Federal aid was passed?

Mr. FESS. I think it was in 1916—a very brief time ago.

Mr. WILLIS. That is my recollection. Then that policy has been in effect some eight or nine years. I want to suggest to my colleague, then, if it has been found unwise—which I do not agree to at all—but if it has been found unwise, having been established as it has been for some eight or nine years, instead of changing the policy piecemeal, as proposed in the amendment offered by the Senator from Pennsylvania, if we are to change it, we ought to set some time in the future after which this policy would be abandoned. It seems to me it would be unwise to kill it indirectly by reduced appropriations.

Mr. FESS. I am in thorough accord with what my colleague says. As to the time at which we should discontinue this work, that is not now within the province of the Senate. I recall when the original bill was before another body that it did not carry

a large appropriation and there was a terrific storm brewing because of that appropriation, and before I left that body I voted for \$140,000,000 for one year for this purpose because it was thought this was a policy that was wise, and why not do it now?

Mr. CARAWAY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Arkansas?

Mr. FESS. I yield to my friend from Arkansas.

Mr. CARAWAY. I should like to ask the Senator from Ohio if the wisdom of the policy has not been justified by reason of the fact that practically 90 per cent of the construction of hard roads has been had under this policy? It gave such an impetus to the building of roads that we have accomplished in that short time what it had taken all the years before to do.

Mr. FESS. I thank my friend for the statement. I am not aware of the figures. I will say to my friend from Arkansas, however, that I do know that the department here has limited Federal aid in my State to trunk lines and also to hard-surfaced roads.

Mr. CARAWAY. But it has been a tremendous stimulus to the building of roads in other States.

Mr. FESS. It certainly has.

Mr. ODDIE and Mr. COPELAND addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield, and if so to whom?

Mr. FESS. I yield to the Senator from Nevada, who was up a moment ago.

Mr. ODDIE. Mr. President, a few minutes ago an observation was made about the possible continuation in years to come of Federal aid, including forest-reserve roads. Yesterday I made some comments on Federal aid, and stated very plainly that I am in favor of this bill going through as it is; but I want to say that, as a matter of good business, it is wise for this Government to continue for many years its policy of building roads in the forests, because in those forests are hundreds of millions of dollars' worth of standing timber. We know that in the last year forest fires did terrific damage in the Western States, and that by the extension of this system of roads through the forests the danger from fires will be constantly lessened.

Here we have hundreds and hundreds of millions of dollars' worth of standing timber in our magnificent forests. The obligation is on us to protect those forests. Those forests control the water in our rivers. If those forests are destroyed the floods will come, and incalculable damage will be done. As a matter of protection, Mr. President, we should continue the policy of building roads in our national forests for a long time to come, and I hope we can also continue the policy of Federal aid as now applied to the highways of the country.

Mr. FESS. I want to say to my friend from Nevada that that is another question, and I am very strongly in favor of it. I should like to remind him that for the last three weeks I have been living in the books of John Muir, who, before he died, made very clear the wonderful richness of the forests of the western country. Anyone who is familiar with that remarkable career does not need any argument as to the preservation of our forests; and I will join the Senator in anything that is reasonable in building roads in the forests, especially in the parks, where they are so much required.

Mr. SIMMONS. Mr. President—

Mr. FESS. I yield to the Senator from North Carolina.

Mr. SIMMONS. The Senator has very correctly said, as I think, that the automobile has contributed very largely to arousing present interest in highway construction. The two things that, to my mind, have made this an era of good-road building are the advent of the automobile and Government aid in the construction of such highways as are interstate and national in character or coordination.

Mr. FESS. I agree with the Senator.

Mr. SIMMONS. I want to ask the Senator this question: Does he not think that as a result of the Federal aid in this behalf and of the advent of the automobile, the great trunk-line highways of this country have been practically nationalized?

Mr. FESS. That is my idea.

Mr. SIMMONS. They have ceased to be local roads; they have ceased to subserve the interests only of the community or the States through which they run, and they have become as distinctively national in their use and the results of that use as our railroads have become nationalized by reason of the fact that they penetrate more than one State.

Mr. FESS. That is my view precisely; and their value is more than simply profit.

Mr. SIMMONS. No longer, therefore, are State highways of the character of those accorded Government aid mere

local or State instrumentalities for communication, travel, and transportation.

The trunk highways that extend from the great cities of the North and East southward as far as Florida are being increasingly patronized not only by those who annually, at certain seasons, change their residence temporarily for reasons of health or pleasure from the northern to the southern section of our country and vice versa, and those who come and go in the line of business and commercial intercourse between these sections.

Mr. FESS. I will say to my friend that a day's stay in any section of Florida to observe the license tags of the automobiles would show any number of Ohio cars there to-day.

Mr. SIMMONS. Undoubtedly. At certain seasons of the year, in many of the States through which these great trunk lines to which I have referred run, you would probably be able, in a given time, to count as many automobiles from the outside as from inside of the State of observation.

Mr. FESS. Without a doubt.

Mr. SIMMONS. This condition of interstate use of these highways is only in its infancy, so to speak. It has just begun. It is rapidly increasing, and the time is not far distant when those great trunk highways will be used as regular lines of long-distance motor bus and truck transportation, running on regular schedules, just as they now are run in and around the larger cities and towns.

Mr. FESS. Mr. President, I am very much obliged to the Senator from North Carolina for his very pertinent remarks, and I yield the floor.

Mr. SIMMONS. Mr. President, that much with reference to the nationalization of our highways. When we adopted as a national policy the principle of Government cooperation in the construction of interstate highways, we justified our action upon the ground of Government need and use of these highways not only for the distribution of the mails but for military purposes as well. At that time the use of those highways by the Government was insignificant in extent as compared with the extent of their use at this time. Then we had little more than a few rural routes, and the old star-route system of distributing the mails outside of the cities and the towns. To-day the uses of those highways by the Government have been multiplied many times.

The parcel-post distribution in rural districts has become a governmental undertaking of enormous proportions. It gives the mails the nature of rural and interurban freight carrier. It includes the distribution by Government of all parcel packages offered to the mails of more than a few ounces and of less than 70 pounds, and it can be truthfully said that to-day as a result of the enormously expanded use by the Government of the public highways in the several States; a use that will continue to grow as the years go by, the Government has become not only one of the most extensive users of these highways but is one of the largest contributors to their annual deterioration; that is, say the costs of maintenance are greatly increased as a result of constant use of the roads by the Government in carrying on the great business of distributing the mails to those who live in the rural districts, and who comprise one-half of the population of this country.

Neither the law nor the pending bill require the Government to contribute to the construction of purely local roads, but to contribute only to the construction of such roads as it uses itself in times of peace for the purpose of carrying and distributing the mails, and in times of war for the purpose of mobilizing its soldiers and instruments of war, and I submit that under existing circumstances there can be no good grounds for the contention that the Government is under no obligation to assist the States in the construction of these trunk highways.

There is no element of invasion of State rights in the principle or application of this law. The Federal Government leaves everything in connection with the construction of these roads under the control and supervision of the States, except as to one matter which is written into the law, namely, question of deciding whether the road about to be constructed by the State conforms to the condition precedent imposed by the Government to the supplying of this money, that condition being that it shall be a part of an interstate system or be coordinated with such a system. That is the only question in the decision of which Government concurrence is necessary, and that is as it should be. That condition to Government aid and contribution does not infringe upon the rights of the States at all.

The very first time this legislation was proposed in the Congress that question was raised, and the same objections now urged were made. The present contention was then thoroughly thrashed out. We adopted the established policy, and it has brought most excellent results. Yet, every time it

becomes necessary to make another appropriation in this behalf, the same alleged constitutional objection is raised against it. The same constitutional objection might be raised against a number of activities of the Government for which we are appropriating the money of the people every year, but it is not done. This is the only appropriation whereby the Government supplies funds in cooperation with the States, in the consideration of which this question is constantly brought up, and Senators, especially from the southern section of the country where the doctrine of State rights has always had lodgment, are taunted with the imputation that in asking and accepting this assistance from the Government we repudiate the theory of State rights as immemorably advocated by the dominant element in that section of country.

Mr. President, that constant reiteration of this objection, that constant thrusting of such argument into the consideration of every appropriation for this purpose, generally comes from a section of the country which insists that because the people there contribute more money to the Federal Treasury, because of their greater wealth, they are required to contribute unduly in the construction of highways in less favored States of the South and West.

The Senator from Ohio [Mr. Fess] has very correctly said that the possession of great wealth in this world carries with it an increased obligation to contribute to those things which make for the betterment of the country in which one lives and of humanity generally. Those sections of the country do not contribute any more than their just proportion, according to their wealth, and their duty to pay their just proportion not only extends to the enterprise concerning which we are now talking, but it extends to all the expenditures of the Government.

We are constantly reminded that one or two enormously rich States pay a larger part of the Federal income from taxation than a number of the States in the West and the South, which enjoy equal benefits under this legislation, and that these poorer States enjoy these benefits at their expense.

Mr. President, the great State of New York is the richest State in this Union. The great city of New York is the richest city in this Union. It is the richest city in the world. Yet a mere fraction of the wealth of that great city comes out of the activities and the resources of the State in which it is located. It is a mighty reservoir of wealth, but the streams that empty into that reservoir have their origin in every part of this Union, flow through every State in this Union, and empty their precious contents into that great national and international metropolis.

New York is the great center of commerce and finance in this country, as well as the great center of wealth. There is no city in the United States that comes as near tapping all the sources of national wealth as does the imperial city of New York. There is therefore no city in this country as much interested in the prosperity, development, and the growth of every section of this Union as is the city of New York, or that owes as much of its prosperity to the other sections of the country as does New York.

The development of the resources of my State, North Carolina, through road construction or other internal improvements, of course benefits our local cities, towns, and communities, but a large part of the benefit of that development and the consequent growth in wealth and prosperity goes also to swell the commercial greatness and the financial supremacy of the city of New York.

Mr. BINGHAM. Mr. President, there are two things which have been brought up within the last few minutes of debate to which I should like to call the Senator's attention. In the first place, I do not represent one of the great, rich States to which he refers. In the second place, I do not happen to represent one of the Southern States, to which he refers as having always maintained the doctrine of State rights. But the State which I represent has always been interested in the doctrine of State rights and State sovereignty, and has maintained it from the beginning until the present time.

In the debate which has been taking place on the floor within the last few minutes one point has been brought out which seems of very great importance, namely, the point brought out by the Senator from Ohio in regard to breaking down State lines.

I would like to call the attention of all those who are interested in State sovereignty to the fact that the Senator from Ohio, in arguing against the amendment presented by the Senator from Pennsylvania, stated that he was opposed to it because he was in favor of breaking down State lines. In regard to anything where the States did not behave themselves

he believed that the Federal Government should make them behave themselves, whether it was in road building or in education.

That is totally different from the question in regard to Federal-owned forest roads, to which there is no objection at all.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had concurred in Senate Concurrent Resolution No. 3, providing for the printing of the report of the United States Coal Commission, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in Senate Concurrent Resolution No. 28, providing for the re-enrollment of the bill (S. 3622) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachary Ferry, with amendments.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4294) for the relief of the heirs of Casimira Mendoza.

The message also announced that the House had agreed severally to the amendments of the Senate to the following bills of the House:

H. R. 646. An act to make valid and enforceable written provisions or agreements for arbitration of disputes arising out of contracts, maritime transactions, or commerce among the States or Territories or with foreign nations;

H. R. 5420. An act to provide fees to be charged by clerks of the district courts of the United States;

H. R. 6860. An act to authorize each of the judges of the United States District Court for the District of Hawaii to hold sessions of the said court separately at the same time;

H. R. 8206. An act to amend the Judicial Code and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes;

H. R. 8369. An act to extend the period in which relief may be granted accountable officers of the War and Navy Departments, and for other purposes; and

H. R. 9461. An act for the relief of Lieut. Richard Evelyn Byrd, jr., United States Navy.

The message further announced that the House had adopted the following concurrent resolution (H. Con. Res. 43), in which it requested the concurrence of the Senate:

*Resolved by the House of Representatives (the Senate concurring), That there shall be compiled, printed, and bound, as may be directed by the Joint Committee on Printing, 4,000 copies of a revised edition of the Biographical Congressional Directory up to and including the Sixty-eighth Congress, of which 1,000 copies shall be for the use of the Senate and 3,000 copies for the use of the House of Representatives.*

EXECUTIVE SESSION

The PRESIDENT pro tempore. The hour of 3 o'clock having arrived, in pursuance of an agreement already entered into, the Senate will proceed to the consideration of executive business. The Sergeant at Arms will clear the galleries and close the doors.

The Senate thereupon proceeded to the consideration of executive business. After two hours spent in executive session the doors were reopened.

NOMINATION OF HARLAN FISKE STONE

During the executive session this day, Mr. OVERMAN having moved that the Senate proceed in open executive session to the consideration of the nomination of Harlan Fiske Stone to be Associate Justice of the Supreme Court of the United States, the Presiding Officer (Mr. MOSES in the chair) ruled that a motion to consider a nomination in open executive session involves such a change in the rules of the Senate as to require a two-thirds vote to sustain it; and Mr. WALSH of Montana having taken an appeal from this ruling, the yeas and nays were ordered, and the roll call resulted—yeas 48, nays 36, as follows:

YEAS—48

Ball	Fess	McCormick	Reed, Pa.
Bingham	Glass	McKinley	Shields
Borah	Gooding	McLean	Shortridge
Bursum	Hale	McNary	Smoot
Cameron	Harrell	Means	Spencer
Capper	Howell	Metcalf	Stanfield
Curtis	Johnson, Calif.	Norbeck	Sterling
Dale	Jones, N. Mex.	Oddie	Wadsworth
Edge	Jones, Wash.	Overman	Warren
Edwards	Keyes	Pepper	Watson
Ernst	King	Phipps	Weller
Fernald	Ladd	Ransdell	Willis

NAYS—36

Ashurst	Dill	Kendrick	Simmons
Bayard	Ferris	McKellar	Smith
Brookhart	Fletcher	Mayfield	Stanley
Broussard	Frazier	Neely	Swanson
Bruce	George	Norris	Trammell
Caraway	Gerry	Pittman	Underwood
Copeland	Harris	Reed, Mo.	Walsh, Mass.
Couzens	Heflin	Sheppard	Walsh, Mont.
Dial	Johnson, Minn.	Shipstead	Wheeler

So the decision of the Chair stood as the judgment of the Senate.

The question was then taken on the motion of Mr. OVERMAN to consider the nomination in open executive session. The yeas and nays having been ordered, the roll call resulted—yeas 60, nays 27, as follows:

YEAS—60

Ashurst	Fernald	Jones, N. Mex.	Reed, Mo.
Ball	Ferris	Jones, Wash.	Sheppard
Bayard	Fletcher	Kendrick	Shields
Borah	Frazier	Ladd	Shipstead
Brookhart	George	McKellar	Simmons
Broussard	Gerry	McKinley	Smith
Capper	Glass	McLean	Stanley
Caraway	Gooding	McNary	Sterling
Copeland	Hale	Mayfield	Swanson
Couzens	Harris	Means	Trammell
Cummins	Harrison	Neely	Underwood
Curtis	Heflin	Norris	Walsh, Mass.
Dial	Howell	Overman	Walsh, Mont.
Dill	Johnson, Calif.	Pittman	Wheeler
Ernst	Johnson, Minn.	Ransdell	Willis

NAYS—27

Bingham	Fess	Norbeck	Spencer
Bruce	Harrell	Oddie	Stanfield
Bursum	Keyes	Pepper	Wadsworth
Cameron	King	Phipps	Warren
Dale	McCormick	Reed, Pa.	Watson
Edge	Metcalf	Shortridge	Weller
Edwards	Moses	Smoot	

So, two-thirds of the Senators present and voting being recorded in the affirmative, Mr. OVERMAN's motion was agreed to.

RECESS

On motion by Mr. CUMMINS, and by unanimous consent, the Senate (at 5 o'clock p. m.) took a recess until to-morrow, Thursday, February 5, 1925, at 12 o'clock meridian, then to proceed to the consideration of Mr. Stone's nomination in open executive session.

HOUSE OF REPRESENTATIVES

WEDNESDAY, February 4, 1925

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Holy Spirit, the source of earthly comfort and the unfailing guide of man, hear us as we humbly bow in Thy presence; receive and accept the offerings of our grateful hearts. May we lift up our souls in the light and glow of Thy great heart. We thank Thee that there is a power in the world, not of ourselves, that makes for righteousness and intelligence. Thy wisdom is above price and more to be desired than gold, yea, than much fine gold. Day by day may we have a more perfect revelation of the breadth and the length, of the height and the depth, of that love and knowledge which are beyond the understanding of man. Lead us, O Lord, to labor for the expansion and for the enrichment of our national ideals. Remember the afflicted ones of our homes and bless abundantly the absent members of our firesides. In the name of Jesus, our Saviour and Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

BRIDGE ACROSS THE BAYOU BARTHOLOMEW, LA.

The SPEAKER laid before the House the following Senate concurrent resolution.

The Clerk read as follows:

Senate Concurrent Resolution 28

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and of the President pro tempore of the Senate in signing the enrolled bill (S. 3622) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachery Ferry, be rescinded, and that the Secretary of the Senate be, and he is hereby, authorized and directed to reenroll the bill with the following amendments:

In line 3 of the enrolled bill strike out "Polish" and insert "Police."

Amend the title so as to read: "An act granting the consent of Congress to the police jury of Morehouse Parish, La., or the State Highway Commission of Louisiana to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachery Ferry."

Attest:

GEORGE A. SANDERSON,

Secretary.

The resolution was agreed to.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 64. An act to amend section 101 of the Judicial Code as amended; and

H. R. 8206. An act to amend the Judicial Code, and to further define the jurisdiction of the circuit court of appeals and of the Supreme Court, and for other purposes.

The message also announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4059. An act to provide for an additional Federal district for North Carolina; and

S. J. Res. 179. Joint resolution to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild-life and fish refuge."

The message also announced that the Senate had passed the following resolution:

Resolved, That the House of Representatives be requested to return to the Senate the bill (S. 1639) entitled "An act to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation."

SENATE BILLS AND JOINT RESOLUTION REFERRED

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4059. An act to provide for an additional Federal district for North Carolina; to the Committee on the Judiciary.

S. 2424. An act to reduce fees for grazing livestock on national forests; to the Committee on Agriculture.

S. J. Res. 179. Joint resolution to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild-life and fish refuge"; to the Committee on Agriculture.

HYPOCRISY OR "LAW ENFORCEMENT"

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent to insert a speech I made at the enlightenment dinner, Hotel Astor, New York City, February 2, 1925.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'CONNOR of New York. Mr. Speaker, under the leave granted to extend my remarks I insert a speech delivered by myself at the enlightenment dinner at the Hotel Astor, New York City, February 2, 1925, which is as follows:

Mr. Toastmaster, distinguished guests, ladies, and gentlemen, this gathering, to my mind, has not only been inspired, but provoked—provoked by a certain gathering recently held in this law-abiding metropolis, at which hypocrisy was served at every course and then poured forth in copious libations under the guise of after-dinner speeches.

The promoters of that much-heralded dinner enjoyed their own concoctions so much that they stayed for breakfast, except that the meal of the morning after the night before was served in a very spacious and lily-white mansion near the Potomac. There they disclosed to official authority the secret formula of their brew—"enforcement." "Enforcement" of what? Of all laws? Oh, no. Of one.

Let us digress to recall who were the distinguished guests who graced that festive board. Does the list not suggest to you a joint meeting of the board of directors of the great "interests" so called? For fear the average reader might not identify the individuals who illuminated the gathering, the press unanimously identified them as "chairman of the board of directors" or "president" or what not of certain gigantic businesses—steel, oil, mines, etc. Were any such overlooked? Does anyone recall, however, it having been recorded that John Jones, the average law-abiding citizen, or Tom Brown, the shopkeeper, or Jim Green, the artisan, or any of their friends or associates were present?

Permit me to inquire, in no facetious manner, whether the spokesmen on that occasion really represented the law-abiding element of our community in the sense of any zeal for the observance of all the

laws which are enacted. Is it not rather the fact that a great portion of the labors of our legislative bodies, State and National, are devoted to the enactment of laws to meet continued violations by those very same interests, to plug up the loopholes in the laws already enacted through which they crawl. And does not the political and judicial history of our country record that countless laws have been persistently violated by just those interests, and only observed, if ever, after resort to every recourse within the power of their wealth and influence? And yet with solemn mien these gentlemen, apparently blotting out the past, preach for the moment, apparently believing that in some far corners of this Nation their words may carry conviction.

The American people, thank the Lord, are blessed with a keen sense of humor, as well as a well-developed memory, but to maintain a sober countenance while imbibing the exhortations from those particular quarters is asking far too much of our people.

Where is the man so bold as to arise in his place and soberly assert that the great fortunes these gentlemen represent were built up on the observance of law? Is it not undisputed that in their amassing, countless legislative enactments were ignored, disrespected, broken, and resisted; that law enforcement only became a reality after all the obstacles of wealth and power had been overthrown by a united sentiment of a nation?

Without greatly straining the memory of any of the distinguished law-abiding people gathered here to-night, within a few seconds each one can recall numbers of instances where the laws of our land were persistently violated by these very same interests.

It is refreshing to note that the outstanding figure at that dinner candidly admitted his disrespect for at least one law—the income tax law. That, of course, is the privilege of any citizen in any free country—to disrespect any law—even if he be a minority of one. But I wonder how far these same interests have expended their time and their influence and their money for the enforcement of that particular law, to take only one instance. Does their patriotic fervor for law enforcement cause them to give the Government the benefit of any doubt on any exemption or claim for deductions? Have they ever, and do they now, observe the immigration laws in respect to contract labor, or the many humanitarian laws in reference to hours of labor or the conditions of men, women, and children in industry? Would they not evade every such law if they could? Was it not one of those interests which, only a short time ago, was fined the huge sum of \$29,000,000? Was this for observance of law or the deliberate violation of law?

Was it not the interest represented by one of these distinguished after-dinner and after-breakfast speakers which maintained its own private army in the State of Colorado to shoot down the men, women, and children of the mines and to destroy their property? Was this observance of law?

Were laws respected or observed in the State of West Virginia by the interests represented by some of these very same gentlemen, when all lawful authority was usurped to themselves in the handling of the mining situation in that Commonwealth? I am not unaware, ladies and gentlemen, that it is not considered nice or delicate these days to call a spade a spade, but I know of no greater weapon against insincerity than the frank, naked truth. Within recent years there has grown up in this country of ours a huge monster—hypocrisy—and unless we meet it with the weapons with which we are endowed, it will soon overwhelm and devour us. The whole atmosphere is surcharged with the venom from its nostrils. It has become a fetish to dictate the conduct and the habits of others, while reserving to ourselves, only, all the guarantees which our immortal forefathers bequeathed to us.

With perfect sang-froid we dictate that our employee in the steel foundry, or our man rolling a barrel of oil, or our miner, shall not be permitted to indulge himself in a glass of 2.75 per cent beer with his noonday meal. We have tried to enforce this edict for years. We used to admit that business efficiency prompted us. For that motive we now substitute those sacred words, "law enforcement." Of course we would not have the temerity to command our boards of directors to abstain from the use of their ancient vintages—that would be the grossest interference with the personal liberty of those distinguished gentlemen.

In these days, when professional agitators have overridden all our fundamental concepts of liberty and self-determination, it is at least comforting to read that document called "The Declaration of Independence," in which there is so clearly and so often set forth so many instances of disrespect for certain laws and governmental regulations.

Happy it is for those men who penned that immortal declaration and for those who acted under its precepts that they are not living at this good hour. If they were, they would be classed by certain elements in our community as lawless, disrespectful of laws, opposed to law enforcement, and undesirable. What compliments are unintentionally bestowed upon some of us by the process of elimination!

Can we see any light? I think so. The American people are a tolerant nation, patient to extremity, seemingly willing to permit a self-appointed minority to impose its dictations upon them. But when

finally roused from their complacent lethargy no power on earth can repel the force of their greatest weapon—public sentiment.

We people here have been permitted, or condemned, to live in days when a grave issue is in our midst, to my mind as great an issue as slavery. So strong, however, is my faith in the institutions of this country and in the preservation for all time of the fundamental guaranties underlying those institutions that I am not despondent. Rather am I confident that with the crystallization of public opinion, which must surely come, liberty and all it means must triumph over paternalism and despotism.

#### ENLIGHTENMENT DINNER

Mr. GALLIVAN. Mr. Speaker, I made a speech at the same time and I ask unanimous consent to insert it in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. GALLIVAN. Mr. Speaker, having permission from the House to extend my remarks in the RECORD by printing a speech delivered by me at the "enlightenment dinner" of the Committee of One Hundred, composed of prominent men and women of the city of New York, on the evening of February 2, 1925, at the Hotel Astor, I herewith append said speech:

SPEECH OF HON. JAMES A. GALLIVAN, OF MASSACHUSETTS, AT THE ENLIGHTENMENT DINNER, COMMITTEE OF ONE HUNDRED, HOTEL ASTOR, NEW YORK CITY, MONDAY, FEBRUARY 2, 1925.

Mr. Toastmaster, ladies, and gentlemen, the lateness of the arrival of my colleague, Hon. JOHN PHILIP HILL of Maryland, and myself is due to the unavoidable delay of the train which brought us here from a busy session of Congress on this very day. However, having promised that we would be with you on this occasion, we decided to come, early or late, and as I have just said to your distinguished toastmaster, Mr. Augustus Thomas, I earnestly hope that whatever we may say will be received with less criticism than had the train brought us here on time.

I have been asked to talk to you about the enormous sums of money which Congress has been voting in recent weeks for the enforcement, so called, of the Volstead Act.

Can anyone make an intelligent guess as to what this farcical prohibition enforcement is costing us even now, let alone the cost in the future as one experiment after another fails? We appropriate \$11,000,000 direct for the Prohibition Unit, as it is called. It might better be called the prohibition multiplication table. We have appropriated \$13,000,000 for new Coast Guard boats and increased the personnel to chase the rum fleet; we provided for 23 new United States district judges to handle the cases brought before the courts by the prohibition agents, and the dockets are more congested than ever. At the present time the outlay of Government funds amounts to probably \$30,000,000, and in a few years at the present rate the cost will be \$50,000,000. Not even the astute General Lord can make an intelligent budget for prohibition enforcement.

And yet we have a bill before the House of Representatives to make this Prohibition Unit an independent bureau of the Government under the Prohibition Commissioner and responsible to no responsible officer of the Government. That proposal comes from the Anti-Saloon League, the source of all this mischievous legislation. It is easy to understand why Wayne B. Wheeler recommends such legislation. It would give the Anti-Saloon League practically full control of the expenditure of the millions we appropriate annually for this alleged law enforcement. But the Federal judges, headed by the Chief Justice of the United States Supreme Court, have recommended that the whole machinery of law enforcement be turned over to the Department of Justice, where it belongs and should have been placed in the beginning, as it probably would have been but for the influence of Mr. Wheeler, the real author of the Volstead bill, because he did not want a real legal machine to deal with this question. He preferred an independent political machine which he could control in the interest of the Anti-Saloon League and for the purpose of rewarding his friends and punishing his enemies.

Mr. Wheeler boasts that the next Congress will be drier than this and that there is no hope for amending or changing the Volstead bill, which makes it a crime for the city dweller to make malt beverages of more than one-half of 1 per cent, and permits the dweller in the rural districts to make cider and wine for home use of any alcoholic content "not intoxicating in fact." Our friend, Representative HILL, pictured as the "Bad boy at the dyke," has performed a service to his country by demonstrating this discrimination in law by making for home consumption, by himself and his friends, cider of 2.67 per cent alcohol and wine of nearly 12 per cent, and inviting prosecution in a Federal court; and he was acquitted. The judge ruled that it was a question of fact whether the cider and wine made in Mr. HILL's home was intoxicating in fact, not that it contained more than one-half of 1 per cent alcohol. I think it will be conceded here that the judge's ruling was correct, for we, who were in Congress when the Volstead Act was passed, all knew that section 29 providing

that the penalties of sections 1 and 3 should not apply to a person for manufacturing "nonintoxicating cider and fruit juices exclusively for use in his home" was added for the purpose of permitting the farmers and fruit growers to continue to make any kind of home brew regardless of the one-half of 1 per cent. Mr. Wheeler, I am told, helped draft this section 29, because it was necessary to let the farmers out from under the law made to prohibit malt liquors, and because the rural districts are the backbone of the Anti-Saloon League. Prohibition has from the beginning of the Anti-Saloon League been for the cities and not for the rural districts. It has been against malt beverages, against the brewers, but not against hard cider and home-made wine. It has been one law for the supporters of the Anti-Saloon League and another law for those who refused to contribute to Mr. Wheeler's salary and expenses as the most powerful lobbyist in Washington since I came to Congress.

Now, since the Federal court has officially exposed the Janus-faced Volstead Act, Mr. Wheeler says:

"Well, what are you going to do about it? We have the votes to prevent any change in the law."

It is not with him a question of the injustice and absurdity of the Volstead Act; it is only his ability by threats and cajolery to keep the law on the statute books, to punish the damn rascals of the opposition, and protect the damn rascals who are his partners in crime as he interprets crime.

Mr. HILL has been pictured as the bad boy at the dike, puncturing a hole in the Volstead Act; but he merely tore off the hypocritical putty plaster over the holes that Mr. Volstead and Congress bored through the dike to enable the farmers to escape the penalties of the act. We who were in Congress at the time knew that section 29 was added to the bill with the consent of Mr. Wheeler, if not at his suggestion, because the Representatives from the rural districts demanded this relief for the farmers before they would vote for the bill, and without that hole in the Volstead dike the bill would not have become a law. The first section of the act prohibited the manufacture of any beer, wine, or other intoxicating malt or vinous liquors for beverage purposes which contained one-half of 1 per cent of alcohol by volume. Section 3 fixes severe penalties for violation of this prohibition, and these penalties applied to the makers of cider or fruit juice containing one-half of 1 per cent. Then came the joker in section 29, providing that the penalties in the act "shall not apply to a person for manufacturing nonintoxicating cider and fruit juices exclusively for use in his home."

In the meantime the Prohibition Commissioner boasts of the increased number of arrests—not convictions—and nobody knows how many of the arrests were on mere suspicion, or to punish those who refused to bribe the prohibition agents in the field; the number of automobiles seized and sold at auction to the bootleggers from whom they were taken and for mere nominal amounts, so that the seizures practically resulted in modest fines. And the commissioner asks for more money to hire more men to engage in this performance, which is worse than farcical and borders on the encouragement of crime in defiance of the law.

Looking over an old magazine a few nights ago I found an article by Mark Twain on "English as she is taught." It professed to be a study of a school examination 40 years ago and largely made up of the pupils' replies to oral questions on various subjects. On political history a Republican is "a sinner mentioned in the Bible"; a "demagogue" a "vessel containing beer and other liquids." "The Capital of the United States is Long Island." "A bill became a law when the President vetoed it." "The first conscientious Congress met in Philadelphia." "Congress is divided into civilized, half civilized, and savage," and "The Constitution of the United States was established to insure domestic hostility."

This was very funny back in 1887, when we had an old-fashioned Democrat in the White House, who enforced the old-fashioned Constitution. I don't know what Mark Twain would say about the Constitution since we adopted the sixteenth and eighteenth amendments and permitted Mr. Volstead, with the aid of the Anti-Saloon League, to interpret the latter. I suspect he would rub his eyes and solemnly admit that he had been a true prophet back there in 1887 as he sees the results of that change in the Constitution. He would count the cost as we consider appropriations to curb this "domestic hostility" created by the eighteenth amendment. He would see the Navy turning over to the Coast Guard many of its vessels and Congress turning that gallant Coast Guard over to the prohibition enforcement commission of the Government. He would hear a New Jersey judge suggesting a call on the President for the Army to aid the police and the prohibition agents to enforce this Volstead law; and he would hear the Federal judiciary appealing to Congress for some relief from the congestion of their dockets with petty prohibition cases and making impossible their disposing of the real and legitimate business before the Federal courts. The definition of Mark Twain's schoolboy 40 years ago that "the United States Constitution was established to insure domestic hostility" is no joke now, and there is not a laugh in it. Nor is there much of a joke in the other boy's reply that "Noah prayed for the

waters to subsidize," since we have done what we could to give the water bottlers a monopoly on beverages. Philadelphians can not consider it much of a joke now to say that "the first conscientious Congress met in Philadelphia," since the city of brotherly love has been placed under the command of a United States marine officer, the first surrender of local government to a military representative of the Federal Government, even though the selection was made by the mayor.

I suspect that Mark Twain might find more truth than humor in his old definition of "Congress is divided into civilized, half civilized, and savage," since we have abandoned the two-party responsibility and arranged ourselves into blocs; but I would not care to speculate as to which of us are civilized or savage, nor would I dare, so soon after the election, indorse the definition that a Republican is "a sinner mentioned in the Bible," though I rather think that the definition of "a demagogue is a vessel filled with beer and other liquids" is appropriate when we consider the mental hydrophobia of those people who froth at the mouth whenever beer is mentioned. But I recall Mark Twain's article to remind my friends here that the sixteenth and the eighteenth amendments and the interpretation of the eighteenth amendment in the Volstead law and the troubles over the income tax come dangerously near to justifying the remark that the Constitution has been now established to insure domestic hostility.

I have said in the past, and I say it again, that all this prohibition legislation of the last half dozen years has been through deliberate misrepresentation. We have two conspicuous lobbyists in Washington who proclaim themselves representatives of the churches of America, and they have so impressed this claim upon many Members of Congress that they made many of them believe that they do represent the Christian sentiment of the country. I have too much respect for the churches to accept such presumptuous claims, which are as much justified as that of Judas to be the only true disciple when he betrayed the Master for 30 pieces of silver, and they are of the same character—the 30 pieces of silver being the inspiration for the preposterous misrepresentation of these modern "Christian lobbyists."

In their boastful presumptions they remind me of the Three Tailors of Tooley Street, who began their petition to the British Parliament, "We, the people of England." That is the formula of all the lobbyists I have ever met, and it is the formula of Messrs. Wayne B. Wheeler and Clarence True Wilson.

How long, oh Cataline, wilt thou abuse our patience?

How long, oh legislators of America, will ye permit Wheeler and Wilson to sew up the liberties of American freemen, and how long are you men and women here in the metropolitan city of this great Republic going to stand by and permit their madness to delude us?

You know, good friends, I get very tired occasionally down in Washington at the unheard-of inconsistency of some of these "dry" Congressmen when they inveigh against Federal interference with State rights, so-called.

I remember one day in the closing hours of the Sixty-seventh Congress when the then distinguished Republican leader in the House, Mr. Mondell, of Wyoming, got red in the face shrieking against a bill which had to do with "migratory birds." The bill provided for the creation of a public shooting grounds. He was howling his head off over on the Republican side of the House against such interference, and he said something like this:

"We have, thank God, up to this good hour in the main escaped the tyranny of petty officials of a centralized government interfering with the rights, the liberties, and the everyday life of the people locally, an interference which by its very character can not well avoid being tyrannical, a control whose source of authority is so far removed from the people locally that against it they feel hopeless, helpless, resentful."

The gentleman from Wyoming then pictured the barefoot boy with the old shotgun potting peewees and being haled before a Federal court a hundred miles away from his home to answer for his ignorance of the term "migratory birds" in the law enacted by Congress. As I listened to the impassioned appeal of the gentleman who was the leader of the majority I could not help thinking of some of the same hardships, hopelessness, helplessness, and resentfulness of the people under the administration of the Volstead law. Here may be a homesteader in the State of Wyoming, where Mondell lived, who has settled on one of the reclaimed farms of that State, and with water from the mountains and sunshine from the good God himself has grown an orchard, harvested a few bushels of apples, which could not be sent to Boston or New York for sale because of the high freight rates, borrowed an old hand press, and turned those apples into cider, which was stored in the cellar with the bung carelessly left out, admitting the air to inspire the apple juice with a spirit of industry and give it a tang most agreeable as a nightcap. There was peace and happiness in that frontier home, if not prosperity, until one day the latent tin-horn prohibition officer, Mr. Asher, dropped in complaining of cramps and begged for something to warm his stomach. The housewife bustled about to make him some boneset tea, but he scolded that brew and appealed for whisky, something never known in the great prohibition State of Wyoming.

The frontiersman is reminded of the warming influence of that cider in the cellar, and he draws off a quart as an offering to suffering humanity. Mr. Asher gulps down a part of it, feels better, and pulls out his hydrometer, drops it into the cup, looks at its register, and immediately becomes an official, with the stern assertion:

"Ten per cent; and you are a felon under the Volstead Act.

You are under arrest and will accompany me to Cheyenne, where the nearest Federal court sits. You had better take all the money you have with you, for you will pay your own fare and expenses, as well as a heavy fine for your violation of the most sacred law ever enacted by Congress."

No wonder it takes more than half the time of the United States district attorney of Wyoming to handle prohibition cases, and I suspect that there is as much resentment against the tyranny of petty officials of a centralized government in Wyoming as there is in New York or Massachusetts and as much resentment against the petty tyranny in the enforcement of the Volstead law as there will be against that of arresting barefoot boys with shotguns popping peewees in the garden to be haled to a Federal court 50 miles away.

Men and women of America, do not be fooled. The agitation for the repeal or modification of the Volstead law is not going to stop, but it is going to expand until it makes Congress realize that while honest men and honorable men will make sacrifices to give the law a fair trial and will obey such a law, they will follow the example of Abraham Lincoln in connection with the Dred Scott decision of the Supreme Court. You remember that Lincoln said he did not propose to set Dred Scott free by force, but he did propose to agitate for such political action as would make impossible the conditions that led the court to render such a decision, and history tells us that he did so continue to agitate until slavery was abolished.

#### AGREEMENT FOR ARBITRATION OF DISPUTES

Mr. GRAHAM. Mr. Speaker, I call up the bill H. R. 646, an act to make valid and enforceable provisions or agreements for arbitration of disputes arising out of contracts, maritime transactions, or commerce among the States or Territories or with foreign nations, with a Senate amendment, and move to agree to the Senate amendment.

The Senate amendment was read, as follows:

Strike out all after the enacting clause and in lieu thereof insert the following:

"That 'maritime transactions,' as herein defined, means charter parties, bills of lading of water carriers, agreements relating to wharfage, supplies furnished vessels or repairs to vessels, collisions, or any other matters in foreign commerce which, if the subject of controversy, would be embraced within admiralty jurisdiction; 'commerce,' as herein defined, means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation, but nothing herein contained shall apply to contracts of employment of seamen, railroad employees, or any other class of workers engaged in foreign or interstate commerce.

"SEC. 2. That a written provision in any maritime transaction or a contract evidencing a transaction involving commerce to settle by arbitration a controversy hereafter arising out of such contract or transaction, or the refusal to perform the whole or any part thereof, or an agreement in writing to submit to arbitration an existing controversy arising out of such a contract, transaction, or refusal, shall be valid, irrevocable, and enforceable, save upon such grounds as exist at law or in equity for the revocation of any contract.

"SEC. 3. That if any suit or proceeding be brought in any of the courts of the United States upon any issue referable to arbitration under an agreement in writing for such arbitration, the court in which such suit is pending, upon being satisfied that the issue involved in such suit or proceeding is referable to arbitration under such an agreement, shall on application of one of the parties stay the trial of the action until such arbitration has been had in accordance with the terms of the agreement, providing the applicant for the stay is not in default in proceeding with such arbitration.

"SEC. 4. That a party aggrieved by the alleged failure, neglect, or refusal of another to arbitrate under a written agreement for arbitration may petition any court of the United States which, save for such agreement, would have jurisdiction under the Judicial Code at law, in equity, or in admiralty of the subject matter of a suit arising out of the controversy between the parties, for an order directing that such arbitration proceed in the manner provided for in such agreement. Five days' notice in writing of such application shall be served upon the party in default. Service thereof shall be made in the manner provided by law for the service of summons in the jurisdiction in which the proceeding is brought. The court shall hear the parties, and upon being satisfied that the making of

the agreement for arbitration or the failure to comply therewith is not in issue, the court shall make an order directing the parties to proceed to arbitration in accordance with the terms of the agreement: *Provided*, That the hearing and proceedings under such agreement shall be within the district in which the petition for an order directing such arbitration is filed. If the making of the arbitration agreement or the failure, neglect, or refusal to perform the same be in issue, the court shall proceed summarily to the trial thereof. If no jury trial be demanded by the party alleged to be in default, or if the matter in dispute is within admiralty jurisdiction, the court shall hear and determine such issue. Where such an issue is raised, the party alleged to be in default may, except in cases of admiralty, on or before the return day of the notice of application, demand a jury trial of such issue, and upon such demand the court shall make an order referring the issue or issues to a jury in the manner provided by law for referring to a jury issues in an equity action, or may specially call a jury for that purpose. If the jury find that no agreement in writing for arbitration was made or that there is no default in proceeding thereunder, the proceeding shall be dismissed. If the jury find that an agreement for arbitration was made in writing and that there is a default in proceeding thereunder, the court shall make an order summarily directing the parties to proceed with the arbitration in accordance with the terms thereof.

"SEC. 5. That if in the agreement provision be made for a method of naming or appointing an arbitrator or arbitrators or an umpire, such method shall be followed; but if no method be provided therein, or if a method be provided and any party thereto shall fail to avail himself of such method, or if for any other reason there shall be a lapse in the naming of an arbitrator or arbitrators or umpire, or in filling a vacancy, then upon the application of either party to the controversy the court shall designate and appoint an arbitrator or arbitrators or umpire, as the case may require, who shall act under the said agreement with the same force and effect as if he or they had been specifically named therein; and unless otherwise provided in the agreement the arbitration shall be by a single arbitrator.

"SEC. 6. That any application to the court hereunder shall be made and heard in the manner provided by law for the making and hearing of motions, except as otherwise herein expressly provided.

"SEC. 7. That the arbitrators selected either as prescribed in this act or otherwise, or a majority of them, may summon in writing any person to attend before them or any of them as a witness and in a proper case to bring with him or them any book, record, document, or paper which may be deemed material as evidence in the case. The fees for such attendance shall be the same as the fees of witnesses before masters of the United States courts. Said summons shall issue in the name of the arbitrator or arbitrators, or a majority of them, and shall be signed by the arbitrators, or a majority of them, and shall be directed to the said person and shall be served in the same manner as subpoenas to appear and testify before the court; if any person or persons so summoned to testify shall refuse or neglect to obey said summons, upon petition the United States court in and for the district in which such arbitrators, or a majority of them, are sitting may compel the attendance of such person or persons before said arbitrator or arbitrators, or punish said person or persons for contempt in the same manner now provided for securing the attendance of witnesses or their punishment for neglect or refusal to attend in the courts of the United States.

"SEC. 8. That if the basis of jurisdiction be a cause of action otherwise justiciable in admiralty, then, notwithstanding anything herein to the contrary, the party claiming to be aggrieved may begin his proceeding hereunder by libel and seizure of the vessel or other property of the other party according to the usual course of admiralty proceedings, and the court shall then have jurisdiction to direct the parties to proceed with the arbitration and shall retain jurisdiction to enter its decree upon the award.

"SEC. 9. If the parties in their agreement have agreed that a judgment of the court shall be entered upon the award made pursuant to the arbitration, and shall specify the court, then at any time within one year after the award is made any party to the arbitration may apply to the court so specified for an order confirming the award, and thereupon the court must grant such an order unless the award is vacated, modified, or corrected as prescribed in the next two sections. If no court is specified in the agreement of the parties, then such application may be made to the United States court in and for the district within which such award was made. Notice of the application shall be served upon the adverse party, and thereupon the court shall have jurisdiction of such party as though he had appeared generally in the proceeding. If the adverse party is a resident of the district within which the award was made, such service shall be made upon the adverse party or his attorney as prescribed by law for service of notice of motion in an action in the same court. If the adverse party shall be a nonresident, then the notice of the application shall be served by the marshal of any district within which the adverse party may be found in like manner as other process of the court.

"Sec. 10. That in either of the following cases the United States court in and for the district wherein the award was made may make an order vacating the award upon the application of any party to the arbitration—

"(a) Where the award was procured by corruption, fraud, or undue means.

"(b) Where there was evident partiality or corruption in the arbitrators, or either of them.

"(c) Where the arbitrators were guilty of misconduct in refusing to postpone the hearing, upon sufficient cause shown, or in refusing to hear evidence pertinent and material to the controversy; or of any other misbehavior by which the rights of any party have been prejudiced.

"(d) Where the arbitrators exceeded their powers, or so imperfectly executed them that a mutual, final, and definite award upon the subject matter submitted was not made.

"(e) Where an award is vacated and the time within which the agreement required the award to be made has not expired the court may, in its discretion, direct a rehearing by the arbitrators.

"Sec. 11. That in either of the following cases the United States court in and for the district wherein the award was made may make an order modifying or correcting the award upon the application of any party to the arbitration—

"(a) Where there was an evident material miscalculation of figures or an evident material mistake in the description of any person, thing, or property referred to in the award.

"(b) Where the arbitrators have awarded upon a matter not submitted to them, unless it is a matter not affecting the merits of the decision upon the matters submitted.

"(c) Where the award is imperfect in matter of form not affecting the merits of the controversy.

"The order may modify and correct the award, so as to effect the intent thereof and promote justice between the parties.

"Sec. 12. That notice of a motion to vacate, modify, or correct an award must be served upon the adverse party or his attorney within three months after the award is filed or delivered. If the adverse party is a resident of the district within which the award was made, such service shall be made upon the adverse party or his attorney as prescribed by law for service of notice of motion in an action in the same court. If the adverse party shall be a nonresident, then the notice of the application shall be served by the marshal of any district within which the adverse party may be found in like manner as other process of the court. For the purposes of the motion any judge who might make an order to stay the proceedings in an action brought in the same court may make an order, to be served with the notice of motion, staying the proceedings of the adverse party to enforce the award.

"Sec. 13. That the party moving for an order confirming, modifying, or correcting an award shall, at the time such order is filed with the clerk for the entry of judgment thereon, also file the following papers with the clerk:

"(a) The agreement; the selection or appointment, if any, of an additional arbitrator or umpire; and each written extension of the time, if any, within which to make the award.

"(b) The award.

"(c) Each notice, affidavit, or other paper used upon an application to confirm, modify, or correct the award, and a copy of each order of the court upon such an application.

"The judgment shall be docketed as if it was rendered in an action.

"The judgment so entered shall have the same force and effect, in all respects, as, and be subject to all the provisions of law relating to, a judgment in an action, and it may be enforced as if it had been rendered in an action in the court in which it is entered.

"Sec. 14. That this act may be referred to as 'the United States arbitration act.'

"Sec. 15. That all acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect on and after the 1st day of January next after its enactment, but shall not apply to contracts made prior to the taking effect of this act."

Mr. CHINDBLOM. Mr. Speaker, may I ask the gentleman from Pennsylvania a question? Are there any substantial differences between this amendment passed by the Senate and the bill as passed by the House?

Mr. GRAHAM. There are none. The proponents of the bill are satisfied with the Senate amendment, and the Judiciary Committee has recommended our concurrence in the amendment.

Mr. CHINDBLOM. And among the proponents of the bill are some of the leading admiralty lawyers of the country?

Mr. GRAHAM. Yes.

Mr. MILLER of Washington. Will the gentleman state who are the proponents?

Mr. GRAHAM. There are various organizations. We passed the bill, and this amendment does not change the provisions materially. The result of it is that if you and I

agree in the contract to arbitrate we must arbitrate and can not shirk it afterwards.

Mr. MILLER of Washington. Were the proponents legal societies or commercial?

Mr. GRAHAM. Commercial.

Mr. WINGO. If the gentleman will yield, as I understand the effect of the bill, it is, so far as maritime contracts are concerned, that if you and I agree as a part of the contract to arbitrate, in case of a disagreement as to matters covered by the contract, we must live up to that part of the contract as well as other parts of it.

Mr. GRAHAM. Precisely.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

#### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had agreed to the amendment of the House of Representatives to the amendment of the Senate No. 25 to the bill (H. R. 10724) entitled "An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes."

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the joint resolution (S. J. Res. 135) granting permission to the Roosevelt Memorial Association to procure plans and designs for a memorial to Theodore Roosevelt.

#### RELIEF FOR ACCOUNTING OFFICERS OF THE WAR AND NAVY DEPARTMENTS

Mr. GRAHAM. Mr. Speaker, I call up from the Speaker's table the bill H. R. 8369, an act to extend the period in which relief may be granted accountable officers of the War and Navy Departments, and for other purposes, with a Senate amendment, and move that the House concur in the Senate amendment.

The Clerk read the Senate amendment, as follows:

Page 1, line 9, strike out "the act of April 21, 1922," and insert "this act."

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

#### UNITED STATES DISTRICT COURT, DISTRICT OF HAWAII

Mr. GRAHAM. Mr. Speaker, I call up from the Speaker's table the bill H. R. 6860, an act to authorize each of the judges of the United States District Court for the District of Hawaii to hold sessions of the said court separately at the same time, with Senate amendments, and I move that the House concur in the Senate amendments.

The Senate amendments were read, as follows:

Strike out all after the enacting clause, and in lieu thereof insert the following: That subdivision (a) of section 86 of the Hawaiian organic act, as amended, is amended to read as follows:

"Sec. 86. (a) That there shall be established in the said Territory a district court, to consist of two judges, who shall reside therein and be called district judges, and who shall each receive an annual salary of \$7,500. The two judges shall from time to time, either by order or rules of the court, prescribe at what times and in what classes of cases, each of them shall preside.

"The two judges may each hold separately and at the same time a session of the court (whether at the same or different terms of court, regular or special) and may preside alone over such session. The said two judges shall have the same powers in all matters coming before the court; and in case two sessions of the court are held at the same time, the judgments, orders, verdicts, and all proceedings of a session of the court, held by either of the judges, shall be as effective as if one session only were being held at a time."

Mr. BLANTON. Mr. Speaker, I make a point of order against the bill.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. This bill as it passed the House provided only merely for two judges of this court sitting separately. It was not a bill that provided for the establishment of any new court.

Mr. GRAHAM. And this does not provide for a new court.

Mr. BLANTON. Under the language of the Senate amendment, where the Senate struck out of our House bill all after the enacting clause and then wrote a bill of its own, and seemingly provides for two new judges—

Mr. GRAHAM. If the gentleman will permit me to explain, I think he will agree with me that it does not do any such thing. The Senate amendment in the first paragraph which was read simply recites the old law, and the only

change that is made in the bill is that they recite the old law and then add our bill to it. There is not another change in it.

Mr. BLANTON. The gentleman will remember the Virginia court bill which we had up here Monday, which merely changed the time for holding court in one particular place. Yet they came in with a bill reenacting the whole law, and a motion had to be made from the floor to strike out all of that surplus matter and put in the matter that Congress intended to pass. What is the use of reenacting all of the old law when the only purpose here is, as expressed in the House bill, to permit the present two judges to sit separately?

Mr. GRAHAM. They thought the old law ought to be recited when we were adding something to it, and the mere recital of the old law does not change it. The bill as it passed the House did not change the old law.

Mr. BLANTON. Then it is understood definitely that there are no new judges to be appointed?

Mr. GRAHAM. Absolutely.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

#### JURISDICTION OF THE CIRCUIT COURTS OF APPEALS AND OF THE SUPREME COURT

Mr. GRAHAM. Mr. Speaker, I call up the bill (H. R. 8206) to amend the Judicial Code and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes, with a Senate amendment thereto, and move to concur in the Senate amendment.

The Clerk read the Senate amendment.

Mr. GRAHAM. Mr. Speaker, I yield two minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, the last bill that was agreed to a moment ago had all after the enacting clause stricken out by the Senate, and then a reenacting of our 19 pages of language with one little change. We still have a 19 page bill, but it has become a Senate instead of a House bill. The Senate has stricken out every word of our bill after the enacting clause and has then put back all of the language of our bill, embracing nearly 20 pages, except two little changes. Why was that necessary? Some of the best lawyers in the Nation are on this Judiciary Committee of the House. Are they not able to write a bill that can be passed into law without its being stricken out? Why is it that every bill we pass in the House and send to another body, regardless of its size and the number of its pages, has to have all of it stricken out after the enacting clause and practically the same language put back into it page after page, with just a few changes? Why do they not insert their amendments in our House bills? I am protesting against their practice. It ought not to be continued. If a bill which we send to the other body is meritorious but needs a little change, the change ought to be made by their amendments; they ought not to rewrite word for word our entire bill, and they ought not to require us to read 19 pages of matter which they insert and which they send back to us to find out the changes they have made. It puts double work on the committee and it puts double work on the membership of the House and I hope that they will stop it. [Applause.]

Mr. JONES. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. JONES. What changes did the Senate make in the bill?

Mr. GRAHAM. They made one change to meet the objection of the gentleman from Illinois [Mr. DENISON], made at the time we passed the bill. I had given a promise that I would help him introduce any change that might be necessary to properly safeguard what he was seeking. He went to the committee of judges and the matter was agreed on, and two amendments were inserted, and then there was one formal amendment inserted by the Senator from Massachusetts, Mr. WALSH. Otherwise the bill is exactly the same as it passed the House.

Mr. JONES. What was the other amendment?

Mr. GRAHAM. The Judiciary Committee considered it and have authorized concurrence in the amendments of the Senate, unanimously.

Mr. JONES. I understand the amendment that the gentleman from Illinois referred to, in respect to the jurisdiction of the Panama Canal, but what does the other amendment refer to?

Mr. GRAHAM. I can not point it out as I have not the bill before me, but it is a simple change. It does not involve any organic change or even an important change. It was inserted to satisfy the objection of Senator WALSH.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

#### FEES OF CLERKS OF DISTRICT COURTS

Mr. GRAHAM. Mr. Speaker, I call up the bill (H. R. 5420) to provide for fees to be charged by clerks of district courts of the United States, with a Senate amendment thereto, and move to concur in the Senate amendment.

The Clerk read the Senate amendment.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

#### FEDERAL JUDICIAL DISTRICTS IN OKLAHOMA

Mr. GRAHAM. Mr. Speaker, I call up the bill (H. R. 64) to amend section 101 of the Judicial Code, as amended, with Senate amendments thereto, and move to concur in the Senate amendment.

Mr. CARTER. Mr. Speaker, does the gentleman ask unanimous consent to take this up, or does he undertake to call it up from the Speaker's table?

The SPEAKER. He called it up from the Speaker's table.

Mr. CARTER. Mr. Speaker, I make the point of order that the bill can not be taken from the Speaker's table because the Senate amendment creates several new offices and involves an additional tax on the Treasury.

The SPEAKER. If it does, of course, it can not be taken up.

Mr. CARTER. This bill only passed the Senate late yesterday afternoon, and no print of the Senate amendments are available, of course, except those carried in the enrolled bill, and we have had no opportunity to see the bill, much less closely examine same until right now. It would appear from a mere casual glance that certain portions of the measure are obnoxious to clause 3, rule 23, and clause 2, rule 24. I ask the attention of the Chair to sections 3 and 4, the first of which makes a temporary judge permanent, while the second creates a marshal and United States district attorney, for all of whom salaries are authorized and must be provided.

This bill as passed by the House provided for the establishment of several new places of holding court. Only this and nothing more. The Senate amendment strikes out all after the enacting clause and inserts a provision creating a new judicial district in Oklahoma to be known as the northern district. It makes a temporary judge permanent and creates various offices with which the bill as it passed the House did not even undertake to deal. I repeat, none of us have had opportunity before to examine the bill or to know what is in its provisions. I think we will all agree that this is a dangerous way to legislate, and the bill ought not to be considered at this time, so I must insist upon the point of order.

The SPEAKER. The Chair suggests that the gentleman from Pennsylvania should wait until to-morrow. The Chair can not pass on the point of order without investigating the facts, and it may occupy a good deal of the time of the House unnecessarily.

Mr. GRAHAM. Mr. Speaker, I agree to the suggestion of the Chair and will wait until to-morrow.

#### LIEUT. RICHARD EVELYN BYRD, JR.

Mr. VINSON of Georgia. Mr. Speaker, I call up from the Speaker's table the bill (H. R. 9461) for the relief of Lieut. Richard Evelyn Byrd, jr., United States Navy, with Senate amendment thereto, and move to concur in the Senate amendment.

The Clerk read the Senate amendment.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

#### RETURN OF HOUSE BILL TO SENATE

The SPEAKER. The Chair lays before the House the following resolution from the Senate, which the Clerk will report.

The Clerk read as follows:

*Resolved*, That the House of Representatives be requested to return to the Senate the bill (S. 1639) entitled "An act to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation."

The SPEAKER. Without objection the Committee on the Judiciary will be discharged from the further consideration of the bill, and the bill will be returned to the Senate in compliance with its request.

There was no objection.

## CASIMIRA MENDOZA

Mr. HUDSPETH. Mr. Speaker, I ask to take from the Speaker's table the bill (H. R. 4294) and move that the House concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill by title. The Clerk read as follows:

A bill (H. R. 4294) for the relief of Casimira Mendoza.

The Senate amendment was read.

The Senate amendment was concurred in.

## JAPANESE EXCLUSION, ETC.

Mr. KIESS. Mr. Speaker, I present a privileged resolution from the Committee on Printing.

The SPEAKER. The gentleman presents a privileged resolution from the Committee on Printing, which the Clerk will report.

The Clerk read as follows:

## House Resolution 406

*Resolved*, That the article entitled "Japanese exclusion \* \* \* a study of the policy and the law," by John B. Trevor, master of arts, be printed as a House document, and that 2,000 additional copies be printed for the use of the House Committee on Immigration and Naturalization.

Mr. BLANTON. If the gentleman will yield, this goes through the folding room under the rules without stipulating that?

Mr. KIESS. Yes.

The question was taken, and the resolution was agreed to.

## BIOGRAPHICAL CONGRESSIONAL DIRECTORY

Mr. KIESS. Mr. Speaker, I present another report from the Committee on Printing.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

## House Concurrent Resolution 43

*Resolved by the House of Representatives (the Senate concurring)*, That there shall be compiled, printed, and bound, as may be directed by the Joint Committee on Printing, 2,000 copies of a revised edition of the Biographical Congressional Directory up to and including the Sixty-eighth Congress, of which 500 copies shall be for the use of the Senate and 1,000 copies for the use of the House of Representatives.

The committee amendment was read, as follows:

Line 7, strike out the words "one thousand" and insert in lieu thereof "one thousand five hundred."

Mr. KIESS. Mr. Speaker, I move the adoption of the resolution.

Mr. LUCE. Mr. Speaker, I desire recognition. Mr. Speaker, this is a volume that contains the biographical sketches of the Members of Congress from the beginning of the Government. The number which it is contemplated to print could not begin to supply even the more important libraries of the United States. I wonder if the Committee on Printing has given consideration to the fact that as a book of reference this ought to be in all the public libraries of any size throughout the country.

Mr. KIESS. Well, this is the usual number that have been printed in the past, and we thought that would supply the more important libraries at least.

Mr. LUCE. Mr. Speaker, as I understand the amendment, this would give me only three copies.

Mr. KIESS. That is true.

Mr. LUCE. I have in my district at least 15 libraries where this ought to be placed, regardless of my desires and wishes in the matter. This is an important book of reference and ought to be on the shelves of those libraries in my district, and I would be hard put to it to tell which library should receive these copies.

Mr. SEARS of Florida. If the gentleman will yield, as a matter of fact the setting of the type is the principal cost and it does not cost very much to print the additional copies. I am in accord with the gentleman from Massachusetts in his statement that there should be more volumes. I would like to see him make that 3,500 volumes.

Mr. KIESS. Mr. Speaker, I will yield to the gentleman from South Carolina [Mr. STEVENSON], who is a member of the Committee on Printing and who introduced this resolution.

Mr. STEVENSON. Mr. Speaker, the resolution I introduced merely follows the line of the resolution which was passed in the Sixty-first Congress providing for the volume which is now up to date of March 4, 1911, and the number is the same as was prescribed there. Of course, so far as I am concerned, I have no objection to increasing the number. What we appre-

hended would be an objection in this day of extreme economy in publishing as many as we do, 3 for each Member of Congress and 500 extra for the Superintendent of Documents, where they are sold, the last edition, at \$1.50 each; but if the House desires to loosen up and publish 5,000, I have absolutely no objection to an amendment to that effect.

Mr. LUCE. Mr. Speaker, I should doubt if 5,000 would be necessary. As I recall it, on the standard list of public libraries of the country, including the State libraries and the law libraries, there are something like 1,000 addresses.

Mr. STEVENSON. If the gentleman from Massachusetts and the gentleman from Florida can strike an average which will nearly hit, I will offer an amendment fixing the number, and in order to endeavor to do that I will offer an amendment to the committee amendment making it 3,500.

Mr. LUCE. That would be acceptable to me, Mr. Speaker.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. STEVENSON to the committee amendment: Strike out the word "fifteen" and insert in lieu thereof the words "thirty-five."

Mr. STEVENSON. Mr. Speaker, will the Clerk please read it as it will appear? We want to get it distributed right.

The SPEAKER. The Clerk will report it as amended.

The Clerk read as follows:

That there shall be compiled, printed, and bound, as may be directed by the Joint Committee on Printing, 2,000 copies of a revised edition of the Biographical Congressional Directory up to and including the Sixty-eighth Congress, of which 500 copies shall be for the use of the Senate and 3,500 copies for the use of the House of Representatives.

Mr. STEVENSON. That would be 4,000. I move to amend.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. STEVENSON: Line 4, strike out the word "two" and insert the word "four."

The SPEAKER. The question is on agreeing to the amendment as modified.

Mr. STEVENSON. Mr. Speaker, I am inclined to think we are getting through rather hastily. We had better get this straight. The same proportion ought to go to the Senate. We are providing 4,000 for the House. The Senate should have the same proportion as we have. We should give 1,000 to the Senate and 3,000 to the House. I ask unanimous consent to modify the amendment so that the 4,000 that are authorized to be printed shall be divided 3,000 to the House and 1,000 to the Senate.

The SPEAKER. The Clerk will report the gentleman's amendment.

The Clerk read as follows:

On line 6, strike out "500" and insert "1,000"; and, in line 7, strike out "one" and insert "three."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

## REPORT OF THE UNITED STATES COAL COMMISSION

Mr. KIESS. Mr. Speaker, I have another report.

The SPEAKER. The gentleman from Pennsylvania presents another privileged resolution, which the Clerk will report.

The Clerk read as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the report of the United States Coal Commission relative to the anthracite and bituminous coal industry, with accompanying papers, charts, diagrams, and illustrations (including not to exceed one supplemental volume), be printed as a Senate document, with contents and index, and that 5,000 additional copies be printed, of which 1,100 copies shall be for the use of the Senate Document Room, 100 copies for the use of the Committee on Mines and Mining of the Senate, 3,500 copies for the use of the House Document Room, and 300 copies for the use of the House Committee on Interstate and Foreign Commerce.

With a committee amendment as follows: On lines 9 and 12, strike out the words "Document Room."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution.

Mr. KIESS rose.

Mr. BLANTON. Mr. Speaker, the gentleman is not going to push this thing through here like greased lightning in that way.

Mr. KIESS. I shall be glad to explain the report of our committee in a few words if the gentleman would like me to do so.

Mr. Speaker, this resolution passed the Senate on June 6 of last year. The House Committee on Printing, on account of the expense, held up action on it until this session of Congress. We held a public hearing a few weeks ago and a member of the United States Coal Commission and other persons who are interested appeared before the committee. The fact is that Congress appropriated altogether \$600,000 for the expenses of the United States Coal Commission; \$500,000 at one time and later an additional \$100,000.

The commission turned back into the Treasury enough money to have paid for the printing of this report, but under the act which created the commission they did not have the authority to print. It does seem to me that it is foolish to spend nearly \$600,000 and yet not have the report of the commission available. The report is quite voluminous and the original estimated cost was something over \$22,000. Since that time certain sections which could be eliminated without seriously affecting the value of the report have been eliminated at the suggestion of our committee, and the cost has been reduced over \$5,000 by that action.

It was only after very serious consideration that the House Committee on Printing authorized a favorable report on this resolution for the printing of the report. I believe it should be printed.

Mr. KINCHELOE. Mr. Speaker, will the gentleman yield?

Mr. KIESS. Yes.

Mr. KINCHELOE. Something has been said about the cost of printing this report. In specific language, how much will it cost to print this report?

Mr. KIESS. Seventeen thousand nine hundred and sixty-two dollars and forty-five cents is the revised estimate.

Mr. KINCHELOE. How many copies will be printed?

Mr. KIESS. This will print the usual number, 1,257, and give each Senator 11 copies and each Member of the House 8 copies. We amended the Senate resolution, which provided that these reports shall go to the Folding Room, so that each Member will get his proportion. For instance, in Pennsylvania 8 copies of these reports to each Member will not be very many for Members of Congress from that State, because we have a lot of people there who are interested in the reports of the commission. But taking the average over the country we thought this would be a sufficient number.

Mr. BLANTON. Mr. Speaker, will the gentleman yield me five minutes?

Mr. KIESS. Yes; I yield five minutes to the gentleman from Texas.

Mr. BLANTON. Mr. Speaker, this report is not worth a 5-cent piece to the country. The other day, when I was trying to put the text of our supply bills into the RECORD, so that the people of the country will know just how we are spending between three billion and four billion dollars of their money a year, the gentleman from New Jersey [Mr. LEHLBACH] objected on the ground of economy, saying that it would cost anywhere from \$6,000 to \$9,000 for printing these bills. That was his objection—economy. I was trying to let the people know just how we are spending their money. Yet here is a worthless coal report that not a Member of Congress yet has read half of—

Mr. LEHLBACH. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes. Have you read it?

Mr. LEHLBACH. If you read it—

Mr. BLANTON. You have not read 20 pages of it.

Mr. LEHLBACH. There is no other way of getting this report to the public without printing it. The supply bills, however, are printed separately and they are available.

Mr. BLANTON. There are only 385 of them available for 435 Congressmen.

Mr. LEHLBACH. They are reprinted from time to time.

Mr. BLANTON. It is rarely the case that they are reprinted. When I had my argument with my friend from New Jersey [Mr. LEHLBACH] about his preventing my having the supply bills printed in the RECORD for the information of the taxpayers of the country, I then mentioned the fact that he had voted for many commissions and special committees that had spent many hundreds of thousands of dollars, and that he had voted for letting this Coal Commission spend \$600,000, which had been wasted. I just want to print one letter illustrative of many that I have since received indicating that the people of the United States deem that \$600,000 of their money wasted.

(A. J. Elmermann, attorney and counsellor, Room 34, Cawker Building, corner Wells and West Water Streets, Milwaukee)

MILWAUKEE, January 21, 1925.

Hon. THOMAS L. BLANTON, M. C.,  
Washington, D. C.

DEAR MR. BLANTON: I wish that the Democratic Party had a great many more such Representatives in Congress as yourself. I admired your speech that you made on the bill of Mr. MADDEN, of Illinois, appropriating \$50,000 as expenses for a committee appointed by the President in recess time. I hope that the people of Texas will keep you in Congress during your entire life.

You well stated that no good has ever come from a commission investigating conditions.

Yes; you were right as to the coal investigation. My last winter's supply of coal cost me \$168, \$16.50 a ton. I understand from reliable sources that the dealer here makes on an average of \$5 a ton profit, from which he defrays the cost of delivery, but the loads that they carry on delivery is always from 5 to 6 tons; but nothing came from investigation; but the worst of it is that almost half of my coal is slate and stone, and to many I have spoken to say the same thing. The administration is hollering economy, reduction of taxes, etc. My letter carrier tells me that the Government could well increase their pay if it did not squander money in other directions; but that is an old saying—the "Horse that deserves the oats never gets it."

We have 70 commissioners in the State of Wisconsin who administer the laws; more than half of them are simply ornaments and chair warmers, but that is the La Follette theory of Government; but it looks to me that a certain element in the Southern States are joining the progressives of the Republican Party to defeat the regulars. I do not think that the Democratic Party can get any glory from joining with Republican insurgents. \* \* \*

Yours truly,

A. J. EIMERMANN.

Mr. KINCHELOE. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. KINCHELOE. Is it not a fact that the Bureau of Mines can get information, from time to time, which is up-to-date at any time it may want to do so?

Mr. BLANTON. Of course, and they already had the information before this commission ever spent this \$600,000.

I call your attention to this fact: That ever since we spent that money coal has been climbing up higher and higher. It has not caused one ton of coal to be decreased in price to the American public, but the American people have been paying more and more for it every month since we wasted that \$600,000 of the people's money.

Gentlemen, I want to put this proposition up to you. The gentleman from Pennsylvania has not even got his facts correct. We did not appropriate \$500,000 and \$100,000. We appropriated \$200,000 for this Coal Commission and we appropriated \$400,000 making in all the \$600,000, and each time when you made those two appropriations I took this floor and tried to stop it, and called the country's attention to the fact that we were wasting \$600,000 of the people's money, and we did waste it.

That report is a great big weighty package of papers. It is about a foot and a half one way by about 10 inches the other and about 6 inches tall, and that file is filled solidly with manuscript paper. I dare say there will not be a person in the United States who will read it after you spend this \$17,000 to print it.

You may be willing to print this report and you may be willing to waste this \$17,000 and send it after the other money we have wasted, to the tune of \$600,000 already on this commission, but I am not willing to do it and I am going to ask the House to go on record on it. I will force a roll call, and I am going to ask the membership of this House to put their John Hancock to the expenditure of this \$17,000, which I consider will be a useless expenditure.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. KIESS. Mr. Speaker, I yield three minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. Mr. Speaker, it is quite apparent that the gentleman from Texas himself has not read the report.

Mr. BLANTON. I have read as much of it as the gentleman from Minnesota.

Mr. NEWTON of Minnesota. Maybe the gentleman has, but I will say that I have read a great deal of it. In the gentleman's district they do not burn coal to any great extent, but in my district—

Mr. BLANTON. We have a coal mine in my district.

Mr. NEWTON of Minnesota. But you do not burn it; you mine it. In my district we burn it eight months in the year.

Now, when that bill went through the House in the first instance there was an authorization of \$500,000. I do not recall what it was when the bill was finally agreed on. In any event, they came back for more money, making \$600,000 in all. As the chairman of the committee has said, they were economical and turned back money into the Treasury, and they had enough money to have printed the report.

Now, here is the situation: There is no coal famine to-day, but the moment we arrive at the same situation we were in two years ago and have a strike, have embargoes, and all that, we shall be up against the same situation. Then the cry will be for Congress to legislate so as to move the coal and stop profiteering. The report would be very helpful. This report has been in demand by universities and by purchasing agents of municipalities who want the privilege of looking it over. Up to the present time, with only these mimeograph copies and the copy on file, the only people who have been able to see the report are the operators, who are down here in Washington with their paid agents. I want to have the report made available to every municipality in the country, and the gentleman from Texas, in order to keep step with his usual position, ought to join me in that.

Mr. BLANTON. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes; I yield with pleasure to the gentleman from Texas.

Mr. BLANTON. The gentleman knows, when he talks about a coal famine, that our Government bureau reports that we have coal in sight right now to last over 1,200 years.

Mr. NEWTON of Minnesota. I am not talking about coal in the ground that can not be burned, but I am talking about coal out of the mine and on the way. In every part of the country, and especially in my part of the country and in New England, which my friend from Massachusetts [Mr. TREADWAY] represents, we have got to have coal. This report is of great importance to us. Do not let a matter of \$17,000 stand in the way of putting this information before the people that use the coal and pay the bills.

Mr. KIESS. Mr. Speaker, I yield five minutes to the gentleman from South Carolina [Mr. STEVENSON], a member of the committee.

Mr. STEVENSON. Mr. Speaker, I looked pretty carefully at this proposition before I voted in the committee for it. The gentleman from Texas [Mr. BLANTON] intimates that this thing is literature in cubic yards—a yard high and a yard square. This is only a proposition to publish and print the report. Now, why print this report? In every one of these coal controversies the question that always arises is what it costs to produce and market coal. The basic question of any regulation either by State or Nation—and the States can regulate it even better than the Nation—the basic question is always what is it actually costing to produce it, what goes into the cost of production, and what are the conditions of the labor that is producing it. This report contains that information. It shows the condition of the laborers. It shows the conditions under which the coal is mined, it shows what it costs to transport it, it shows what it costs to load it, and it shows all the items for any State, municipality, or the United States Government to know in order to regulate properly the spread between what it costs and what is charged, and that is the reason I voted to publish the report.

We have spent \$582,000 getting the information and putting it in the form of a report and getting it in shape so that it can be of service to the public, and then we have put it in a back room in wooden boxes and left it there, subject only to the inspection of people who can employ a large clerical force in order that they may get at it, and the people who need it and the people who have to rely upon it in their controversies with the coal companies and who have no other source of information are denied the use of the report because of its inaccessibility.

Mr. BLANTON. Will the gentleman yield?

Mr. STEVENSON. I yield.

Mr. BLANTON. The gentleman knows that every one of the 435 Congressmen has received a copy of the report and every one of the 96 Senators has received a copy of it. Let us put our copies in the libraries, where the report will be accessible to the people.

Mr. STEVENSON. That is exactly where the gentleman's knowledge is all wrong. [Laughter.] We have not received it.

Mr. BLANTON. I have a copy of it in my office.

Mr. STEVENSON. A copy of the commission's report?

Mr. BLANTON. Yes.

Mr. STEVENSON. You may have one, but you are only one of 435 Members.

Mr. BLANTON. And my colleagues here have copies of it.

Mr. STEVENSON. One minute, I have the floor, Mr. Speaker, I think. If I have not, I am going to ask for it. [Laughter and applause.] The report has not been made available to us. The stuff that was sent us was a transcript of the evidence taken, and none of us has got this report in such shape that it is of any practical benefit, and I will tell you now that in future controversies with the people who produce coal it is going to be of inestimable benefit to the people of this country to be able to lay their hands on the items which go into the cost of producing and transporting and laying down the coal and distributing it. For this reason we thought it was well spent money to put the report in such shape that Congress and the people of this country who need it may have the use of it when occasions arise such as we have had heretofore.

Mr. KIESS. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Speaker, the gentleman from Texas [Mr. BLANTON] does not know the difference between economy and parsimony. [Applause.] That is the light he has on this subject when he says we are not economical in printing this report. On the contrary, the fact we do not print it is the worst type of parsimony.

The Government has spent, as the chairman of the committee has told us, nearly \$600,000, and the commission has produced a bulky report which is not available in proper form for use and a proper understanding of the recommendations made by the commission. The trouble with the commission's report is that Congress has not known its contents and has not followed the recommendations contained in it. Let a winter such as we experienced two or three years ago come along now or next winter and you will find that the recommendations that the commission has made will be live matter before this Congress, and you will want to have the recommendations in a condition and in a position where you can consult them.

Then, too, the gentleman is mistaken when he says there is no demand for this report by the public. I have had several requests for it, and there has been great astonishment on the part of the people that it is not available for general circulation among those interested in it. I had a request for it within two weeks, and there was very great surprise on the part of my constituent, who wanted it for a perfectly proper use and for information, that it was not available for general distribution.

It is a lengthy report. That is about the only correct statement that the gentleman from Texas made in his entire attack on this report. It is a lengthy document, but a valuable one. This commission was appointed at the solicitation and through the anxious desires of former President Harding. The commission did most excellent work. They made a deep study of the coal situation, and, to my mind, it is one of the neglects of this present Congress that we have not taken up that report and legislated as a result of its recommendations.

Mr. BLANTON. Will the gentleman yield?

Mr. TREADWAY. Yes; the gentleman has the floor most of the time, but I will give him some of my time.

Mr. BLANTON. The gentleman has a copy of the report?

Mr. TREADWAY. I have two copies of the report.

Mr. BLANTON. Did the gentleman read it?

Mr. TREADWAY. I have read the greater part of the report, and I commend its recommendations to the gentleman from Texas if he wants to know more about the coal subject than he does. [Laughter and applause.]

I have an idea that the mine down in Texas in the gentleman's district that he refers to is one of the slate mines such as we bought coal from two years ago during the famine. I do not believe it is a real, simon-pure British thermal unit product such as we want to get into New England when we have a famine like the one that was the cause of the introduction of the resolution for the appointment of the Coal Commission.

The Coal Commission did good work, and Congress and the American people are entitled to have the results of that work in such form that it can be conveniently used.

Mr. BLANTON. The gentleman's state of mind is the general state of the Massachusetts mind.

Mr. TREADWAY. Thank God it is a great deal different from the Texas state of mind. [Laughter.]

Mr. BLANTON. That is true, and I say Amen!

Mr. LOZIER. Mr. Speaker, I shall vote against the proposal to appropriate \$17,000 for the publication of the report of the United States Coal Commission. I do not believe the publication of this voluminous report is justified or that very many people will read it after it is published.

Obviously, the details of this report will be studied by so very few people that its publication is not justified. It deals, it is

true, with the coal industry and mining conditions in the United States, but it deals very largely with dry statistics and details incident to the mining industry. These tables and other portions of the report deal with the many sides of the fuel and mining problem, but the report is quite technical and necessarily uninteresting, except to a few statisticians, accountants, and theoretical students of the mining industry. It can not be considered as affording accurate and dependable information as to the cost of production and transportation at the present time, because since the work of this commission was completed there has been a tremendous change in economic conditions and in the cost of production and transportation.

I do not believe that either the coal companies or the miners care to have this voluminous report published at an expense to the Government of \$17,000. Like most commissions, this commission has accomplished little, and in fact has done nothing toward a permanent settlement of the fuel and mining problems. The commission did not compose the differences between the miners and the producers. It did not determine what is or is not a living wage, a fair wage, or a reasonable wage. It did not dissolve the hard and fast combination or trust which controls the anthracite-coal industry. It did nothing to remedy the expensive system of marketing and distribution under which frequently a dozen dealers get a profit on the marketing of coal between the time the coal leaves the mine and the time it is dumped into the bin of the consumer.

The commission investigated many things, reviewed many problems, and discussed many theories, but determined little and settled nothing. The American people, the coal companies, and the miners realize that the United States Coal Commission was a great joke and has utterly failed to justify its creation.

It has so far cost the Government nearly \$600,000, and here is submitted a proposal to spend \$17,000 additional to print the report of this do-nothing, accomplish-nothing commission. Its work will not prevent future disagreements and strikes in the anthracite and bituminous coal fields. Neither the producers nor the miners will pay any attention to the report of the Coal Commission, nor will the publication of this report benefit the American people one penny. Why, then, pay \$17,000 more for a "dead mule" that has already cost the Treasury of the United States nearly \$600,000?

I am anxious to see a permanent peace established between the producers and the miners—a just peace, founded on the recognition of mutual rights and mutual obligations—a peace that will fairly and equitably settle the question of transportation and distribution of fuel and fairly and justly apportion the proceeds of the sale of the mine products between the producer and miner on a basis fair to one and not unfair to the other; but this problem can not be settled by a coal commission or any other commission constituted as the United States Coal Commission was constituted. The cause of this great industrial disease lies deep and is exceedingly difficult to remove.

The people of my district are vitally interested in a permanent solution of the fuel problem and every detail thereof. Numerous coal mines in my district are not being operated, and others are operated without profit. Because there is a substantial difference in the cost of production and the cost of distribution in the Illinois and Missouri coal fields, many Missouri mines are not being operated and many miners have been forced to sell their homes and go to other fields for employment.

Something is radically wrong when Missouri coal mines can not sell their products at prices that will justify the operation of the mines. Coal from the Illinois and Kansas fields is rapidly displacing Missouri coal in Missouri. I understand that practically all of the great State institutions are using Illinois coal, notwithstanding the distance it has to be shipped. This is, I am convinced, partly due to a manipulation of freight rates which deprives the Missouri mines of the Missouri market and forces Missouri miners to seek employment in other States. A solution of this problem merits the attention of our best minds. I would be glad to vote an appropriation of \$17,000 for the expenses of a commission that would settle this problem.

Now we have heard much about economy, and I am in favor of a rigid economy in the expenditure of public funds. But the majority party in this Congress while preaching economy is practicing extravagance. This is also true of the present administration. The appropriation bills passed at the present session of Congress carry many millions dollars that represent waste and prodigality. As a concrete illustration of the President's brand of economy, I call attention to the fact that he and his party are on record as approving the prodigal expenditure of \$14,750,000 in the construction of a bridge over the

Potomac River at Washington, which structure is not necessary to accommodate the traffic needs of the city.

The Government of the United States is spending millions of dollars annually in printing documents and reports which serve no useful purpose, and many of which are never read or even distributed. During or immediately after the war, a prominent Government official, connected, I believe, with the Government Printing Office, gave out a statement that there was a tremendous stock of unused Government publications, printed at an enormous expense and stored in the Government Printing Office, for most of which publications there was no demand. He further stated that the paper used in these worthless documents cost something like \$2,000,000, and he suggested that this paper be sold to paper mills to be macerated and manufactured into new paper. In other words, he recognized that there was no demand for these public documents, and as documents they had no value, and advised that the Government make the old paper into new paper and thereby salvage a portion of the cost of publishing these useless documents.

Now we are publishing every month hundreds of public documents, many of which have no value and which, when distributed, quickly find their way to the waste basket, and these useless publications require many thousand tons of paper, and millions of dollars are annually expended in the preparation, printing, and distribution of these documents for which there is no substantial demand.

Now we should do one of two things: We should either economize on these and other matters, or forever stand mute and quit talking about economy. This report will only be referred to by a few statisticians, a few men who have a propensity for delving into statistics. Here you are appropriating \$17,000 for the publication of a report that in the next 10 years not 10 men in the United States will make any practical use of. Here and now is a splendid time and place to practice the economy of which the present administration has been boasting. The way to economize is to economize, and every time I get an opportunity I am going to economize by voting to eliminate every appropriation for which there is no real public need. [Applause.]

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 83, noes 7.

Mr. BLANTON. Mr. Speaker, I object to the vote, on the ground that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 267, nays 70, not voting 94, as follows:

[Roll No. 50]  
YEAS—267

Abernethy	Connally, Tex.	Gifford	Lea, Calif.
Ackerman	Connery	Goldsbrough	Leach
Allen	Connolly, Pa.	Green	Leatherwood
Anderson	Cook	Greenwood	Leavitt
Andrew	Cooper, Ohio	Griest	Lehlbach
Anthony	Cooper, Wis.	Griffin	Lilly
Arnold	Crisp	Guyer	Lindsay
Ayres	Crosser	Hadley	Lineberger
Bacharach	Cullen	Hall	Longworth
Bacon	Dallinger	Hastings	Luce
Barbour	Davis, Minn.	Hawes	Lyon
Beck	Davis, Tenn.	Hawley	McDuffie
Beedy	Deal	Hayden	McFadden
Beers	Denison	Hersey	McKenzie
Begg	Dickinson, Iowa	Hill, Ala.	McKeown
Bixler	Dickinson, Mo.	Hill, Md.	McLaughlin, Mich.
Black, N. Y.	Dickstein	Hill, Wash.	McLaughlin, Nebr.
Bland	Doughton	Hoch	McLeod
Boles	Dowell	Holladay	McReynolds
Bowling	Doyle	Huddleston	McSwain
Boyce	Drane	Hudson	McSweeney
Boylan	Elliott	Hull, Iowa	MacGregor
Browne, N. J.	Evans, Mont.	Hull, Tenn.	MacLaferty
Browne, Wis.	Fairchild	Hull, Morton D.	Magee, N. Y.
Bulwinkle	Fairfield	Hull, William E.	Magee, Pa.
Burtness	Faust	Humphreys	Major, Ill.
Burton	Fenn	Jacobstein	Manlove
Butler	Fitzgerald	James	Mansfield
Byrns, Tenn.	Fleetwood	Jeffers	Maps
Campbell	Foster	Johnson, Ky.	Martin
Canfield	Free	Johnson, Wash.	Mead
Carter	Freeman	Johnson, W. Va.	Michaelson
Celler	Frothingham	Kearns	Miller, Wash.
Chindblom	Fuller	Kelly	Milligan
Christopherson	Funk	Kendall	Minahan
Clague	Gallivan	Kerr	Mooney
Clancy	Gambrill	Kiess	Moore, Ga.
Cleary	Garber	King	Moore, Ohio
Cole, Iowa	Gardner, Ind.	Knutson	Moore, Ind.
Cole, Ohio	Garrett, Tenn.	Kopp	Morgan
Collier	Gasque	Kvale	Morris
Collins	Geran	LaGuardia	Murphy
Colton	Gibson	Lazaro	Nelson, Me.

Newton, Minn.	Reece	Stalker	Vinson, Ga.
Newton, Mo.	Reed, N. Y.	Steagall	Vinson, Ky.
Nolan	Reed, W. Va.	Stedman	Wainwright
O'Connell, N. Y.	Reid, Ill.	Stephens	Ward, N. Y.
O'Connell, R. I.	Robinson, Iowa	Stevenson	Ward, N. C.
O'Connor, N. Y.	Robison, Ky.	Strong, Kans.	Wason
Oliver, Ala.	Rubey	Swing	Watres
Oliver, N. Y.	Sabath	Swoope	Watson
Parker	Salmon	Taber	Weaver
Patterson	Sanders, Ind.	Taylor, Tenn.	Wefald
Perkins	Sanders, N. Y.	Taylor, W. Va.	Weller
Perlman	Sandlin	Temple	Welsh
Pou	Schneider	Thatcher	White, Kans.
Prall	Seeger	Thomas, Ky.	White, Me.
Purnell	Shreve	Thompson	Williams, Mich.
Quayle	Sinclair	Tilson	Williamson
Quin	Sinnot	Timberlake	Wilson, Ind.
Ragon	Smith	Treadway	Wilson, La.
Rainey	Smithwick	Underhill	Wingo
Raker	Snell	Underwood	Winter
Ramseyer	Snyder	Valle	Wood
Ransley	Speaks	Vare	Wurzbach
Rathbone	Spearing	Vestal	Wyant
Rayburn	Sproul, Kans.	Vincent, Mich.	

Mr. Rogers of Massachusetts with Mr. Kunz.  
 Mr. Moore of Illinois with Mr. Tillman.  
 Mr. Phillips with Mr. Wolff.  
 Mr. Brumm with Mr. Major of Missouri.  
 The result of the vote was announced as above recorded.  
 The doors were opened.

CHANGE OF REFERENCE

Mr. McFADDEN. Mr. Speaker, by direction of the Committee on Banking and Currency I ask unanimous consent to rerefer from that committee the bill (S. 3221) for the relief of employees of the Bureau of Engraving and Printing who were removed by Executive order of the President dated March 31, 1922, to the Committee on Claims.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?  
 There was no objection.

CERTIFICATES OF ELECTORS

The SPEAKER laid before the House communications from the Secretary of State, transmitting pursuant to law, certificates of the Governors of Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming of the final ascertainment of electors for President and Vice President at the election November 4, 1924.

CHILD LABOR AMENDMENT

The SPEAKER also laid before the House a communication from the Governor of the State of Arizona announcing the ratification by the legislature of that State of the proposed amendment to the Constitution relating to the limitation, regulation, and prohibition of labor of persons under 18 years of age.

WAR DEPARTMENT APPROPRIATION BILL

Mr. ANTHONY. Mr. Speaker, I call up the conference report upon the bill (H. R. 11248) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes.

The SPEAKER. The gentleman from Kansas calls up a conference report, which the Clerk will report.  
 The Clerk read the conference report, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of Senate to the bill (H. R. 11248) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 10, 11, 16, 18, 19, 26, 34, and 47.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 8, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 27, 28, 33, 35, 36, 38, 39, 43, 44, 45, and 46, and agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "\$2,293,500"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "\$400,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "\$449,300"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agreed to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$20,000"; and the Senate agree to the same.

NAYS—70

Allgood	Fredericks	Larsen, Ga.	Sanders, Tex.
Aswell	Fulbright	Lowrey	Sears, Fla.
Bankhead	Fulmer	Lozier	Shallenberger
Bell	Garner, Tex.	McClintic	Simmons
Black, Tex.	Garrett, Tex.	Madden	Sites
Blanton	Hammer	Merritt	Stengle
Box	Hardy	Michener	Summers, Wash.
Brand, Ga.	Harrison	Miller, Ill.	Summers, Tex.
Briggs	Hickey	Montague	Swank
Browning	Hooker	Moore, Va.	Thomas, Okla.
Buchanan	Howard, Nebr.	Morehead	Tucker
Busby	Howard, Okla.	Morrow	Watkins
Byrnes, S. C.	Hudspeth	Oldfield	Williams, Tex.
Casey	Johnson, Tex.	Park, Ga.	Wilson, Miss.
Cramton	Jones	Parks, Ark.	Woodrum
Drewry	Kincheloe	Peery	Wright
Driver	Lanham	Rankin	
	Lankford	Romjue	

NOT VOTING—94

Aldrich	Eagan	Linthicum	Scott
Almon	Edmonds	Logan	Sears, Nebr.
Barkley	Evans, Iowa	McNulty	Sherwood
Berger	Favrot	Major, Mo.	Sproul, Ill.
Bloom	Fish	Mills	Strong, Pa.
Brand, Ohio	Fisher	Moore, Ill.	Sullivan
Britten	Frear	Morin	Tague
Brumm	French	Nelson, Wis.	Taylor, Colo.
Buckley	Gilbert	O'Brien	Tillman
Burdick	Glatfelter	O'Connor, La.	Tincher
Cable	Graham	Paige	Tinkham
Carew	Haugen	Peavey	Tydings
Clark, Fla.	Johnson, S. Dak.	Phillips	Upshaw
Clarke, N. Y.	Jost	Porter	Voigt
Corning	Keiler	Reed, Ark.	Wertz
Croll	Kent	Richards	Williams, Ill.
Crowther	Ketcham	Roach	Winslow
Cummings	Kindred	Rogers, Mass.	Wolf
Curry	Kunz	Rogers, N. H.	Woodruff
Darrow	Kurtz	Rosenbloom	Yates
Davey	Lampert	Rouse	Zihlman
Dempsey	Langley	Schafer	
Dominick	Larson, Minn.	Schall	
Dyer	Lee, Ga.		

So the resolution was agreed to.  
 The following pairs were announced:  
 Until further notice:

- Mr. Fish with Mr. Sullivan.
- Mr. Scott with Mr. Davey.
- Mr. Britten with Mr. Kindred.
- Mr. Graham with Mr. Almon.
- Mr. Burdick with Mr. Rouse.
- Mr. Ketcham with Mr. Dominick.
- Mr. Strong of Pennsylvania with Mr. Upshaw.
- Mr. Aldrich with Mr. Barkley.
- Mr. Winslow with Mr. Croll.
- Mr. Darrow with Mr. Reed of Arkansas.
- Mr. Porter with Mr. Jost.
- Mr. Zihlman with Mr. O'Brien.
- Mr. Roach with Mr. Buckley.
- Mr. French with Mr. Linthicum.
- Mr. Sears of Nebraska with Mr. Tague.
- Mr. Curry with Mr. O'Connor of Louisiana.
- Mr. Tincher with Mr. Carew.
- Mr. Cable with Mr. Favrot.
- Mr. Yates with Mr. Sherwood.
- Mr. Dyer with Mr. Taylor of Colorado.
- Mr. Morin with Mr. O'Sullivan.
- Mr. Sproul of Illinois with Mr. Tydings.
- Mr. Brand of Ohio with Mr. Clark of Florida.
- Mr. Wertz with Mr. Bloom.
- Mr. Crowthers with Mr. Kent.
- Mr. Woodruff with Mr. Logan.
- Mr. Paige with Mr. Gilbert.
- Mr. Frear with Mr. Berger.
- Mr. Williams of Illinois with Mr. Lee of Georgia.
- Mr. Lampert with Mr. Corning.
- Mr. Sweet with Mr. Glatfelter.
- Mr. Johnson of South Dakota with Mr. Eagan.
- Mr. Mills with Mr. Rogers of New Hampshire.
- Mr. Dempsey with Mr. McNulty.
- Mr. Larson of Minnesota with Mr. Cummings.
- Mr. Kurtz with Mr. Fisher.
- Mr. Haugen with Mr. Richards.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 82 of the bill, in line 10, strike out the word "in" and insert in lieu thereof the word "toward"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following "\$275,000"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 1, 7, 9, 17, 29, and 42.

D. R. ANTHONY, Jr.,  
L. J. DICKINSON,  
BEN JOHNSON,

*Managers on the part of the House.*

J. W. WADSWORTH, Jr.,  
W. L. JONES,  
SELDEN P. SPENCER,  
DUNCAN U. FLETCHER,  
WM. J. HARRIS,

*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11248) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 2, relating to the appropriation for additional pay for length of service to enlisted men: Appropriates \$2,500,000, as proposed by the Senate, instead of \$2,400,000, as proposed by the House.

On No. 3, relating to miscellaneous items under the appropriation for Pay of the Army: Strike out the word "miscellaneous," as proposed by the Senate.

On No. 4, relating to the provision carried in the House bill limiting the amounts to be paid as travel expenses to officers, etc., traveling on Government-owned transports to actual and necessary expenses: Changes the provision so as to make it apply to officers traveling on Government-owned vessels on which they are not required to pay transportation fare.

On No. 5, relating to a provision under the appropriation for subsistence of the Army limiting the amount to be expended for supplying meals or furnishing commutation of rations to enlisted men while competitors in the national rifle match: Increases the limitation from \$100, as proposed by the House, to \$12,000, as proposed by the Senate.

On No. 6, relating to the appropriation for incidental expenses of the Army: Authorizes payment of entrance fees for Army rifle and pistol teams participating in competition, as proposed by the House, instead of payment of entrance fees of authorized participants of the Army, as proposed by the Senate.

On No. 8: Increases the appropriation for Army transportation from \$15,774,953, as proposed by the House, to \$15,814,000, as proposed by the Senate.

On No. 10, relating to the appropriation for barracks and quarters: Restores House language stricken out by the Senate permitting the use of \$3,500 for the purchase of land at Fort Reno, Okla.

On No. 11: Strikes out an appropriation of \$3,000 proposed by the Senate for the purchase of land adjoining the militia target range at Auburn, Me.

On No. 12, relating to the appropriation for Air Service: Transfers the authority to designate vessels to be used in bombing experiments from the chief of the Army Air Service, as proposed by the House, to the President, as proposed by the Senate.

On No. 13, relating to the appropriation for Air Service: The authority granted the Air Service of the Army in connection with expenditures for helium gas is made applicable to the Navy Department in the language proposed by the Senate instead of the language proposed by the House; the effect of the Senate language is the same as the intent of the House language, but it is more definitely expressed.

On No. 14: Increases the appropriation for searchlights and electrical installations in the Hawaiian Islands from \$12,000,

as proposed by the House, to \$24,000, as proposed by the Senate.

On No. 15: Increases the appropriation for searchlights and electrical installations, Panama Canal, from \$12,000, as proposed by the House, to \$24,000, as proposed by the Senate.

On No. 16: Strikes out language proposed by the Senate giving the rank, pay, and allowances of a brigadier general to the officer of the United States Engineer Corps in charge of public buildings and grounds.

On Nos. 18 and 19, relating to the appropriation for fire control in the Hawaiian Islands: Appropriates \$40,000, as proposed by the House, instead of \$150,000, as proposed by the Senate, and strikes out Senate language making the appropriation applicable to a general communication system.

On Nos. 20 to 25, inclusive, relating to the appropriation for arming, equipping, and training the National Guard: Increases the amount of the reappropriation from the 1924 unexpended balances from \$1,500,000, as proposed by the House, to \$1,668,300, as proposed by the Senate, the increase of \$168,300 being distributed among the following items of the appropriation:

Procurement of forage, bedding, etc., for animals	\$16,000
Expenses, camps of instruction	35,000
Expenses of officers and men at military service schools	15,500
Pay of property and disbursing officers for the United States	1,800
Transportation of equipment and supplies	31,250
Armory drill pay	68,750

Total increase..... 168,300

On No. 26: Strikes out paragraph, proposed by the Senate, prohibiting the payment of rental allowances to members of the National Guard when called to duty under the provisions of sections 94, 97, or 99 of the national defense act, as amended, for a period of not exceeding 31 days, if quarters for their personal accommodation during such period are provided by the Government.

On No. 27, relating to the appropriation for arms, uniforms, equipment, etc., for field service, National Guard: Increases the amount for this purpose by the reappropriation of \$62,500 from the unexpended balance of the appropriation for arming, equipping, and training the National Guard, 1924, as proposed by the Senate.

On No. 28, relating to the appropriation for salaries of civilian employees in the office of the Chief of the Militia Bureau: Increases the amount for this purpose by the reappropriation of \$12,000 from the unexpended balances of the appropriation for arming, equipping, and training the National Guard, 1924, as proposed by the Senate.

On Nos. 30 to 33, inclusive, relating to the Organized Reserves: Appropriates \$2,293,500 for pay and allowances of members of the Officers' Reserve Corps on active duty for not exceeding 15 days' training, instead of \$2,457,900, as proposed by the House, or \$2,087,402, as proposed by the Senate; appropriates \$400,000 for pay and allowances of members of the Officers' Reserve Corps on active duty for more than 15 days, instead of \$300,466, as proposed by the House, or \$537,750, as proposed by the Senate; and appropriates \$449,300 for mileage, etc., instead of \$390,000, as proposed by the House, or \$517,648, as proposed by the Senate. The net effect of these changes is to make the total of the appropriations for pay and allowances and mileage of the Officers' Reserve Corps \$3,142,800, as proposed by the Senate, instead of \$3,148,366, as proposed by the House.

On No. 34: Strikes out paragraph proposed by the Senate prohibiting the payment of rental allowances to members of the Officers' Reserve Corps when called to active duty for a period of not exceeding 31 days, if quarters for their personal accommodations during such period are provided by the Government.

On Nos. 35 and 36, relating to the appropriation for Reserve Officers' Training Corps: Increases the appropriation from \$3,818,020, as proposed by the House, to \$3,828,020, as proposed by the Senate, and permits the use of \$10,000, as proposed by the Senate, instead of \$100, as proposed by the House, for the transportation of students who may be competitors in the national rifle match, and to subsist them while traveling to and from said match and while remaining thereat.

On Nos. 37 to 39, inclusive, relating to the appropriation for quartermaster supplies and services for rifle ranges for civilian instruction, under the Board for Promotion of Rifle Practice: Increases the appropriation from \$49,560, as proposed by the House, to \$85,000, as proposed by the Senate; limits the amount which may be expended for clerical services to \$20,000, instead of \$15,000, as proposed by the Senate; and authorizes the expenditure of not to exceed \$80,000 for the

payment of transportation, for supplying meals, or furnishing commutation of subsistence of civilian rifle teams participating in the national matches, as proposed by the Senate, instead of limiting the amount for this purpose to \$100, as proposed by the House.

On No. 40, relating to the appropriation for headstones for graves of soldiers: Appropriates \$85,000, as proposed by the House, instead of \$70,000, as proposed by the Senate, and restores House language stricken out by the Senate providing that \$15,000 of the appropriation shall be expended by the Secretary of War in erecting a fitting marking of the burial place of Lieut. John Fitch, modified by changing the word "in" in the second line of the provision to "toward" in order to permit this appropriation to be supplemented by contributions from other sources if desired.

On No. 41, relating to the appropriation for examinations, surveys, and contingencies of rivers and harbors: Appropriates \$275,000 instead of \$300,000, as proposed by the House, or \$250,000, as proposed by the Senate.

On Nos. 43 to 46, inclusive, relating to the National Home for Disabled Volunteer Soldiers: Appropriates \$300,000 for subsistence at the Northwestern Branch, as proposed by the Senate, instead of \$400,000, as proposed by the House, making the total for that branch \$879,500, as proposed by the Senate, instead of \$979,500, as proposed by the House, and making the total for all branches of the National Home for Disabled Volunteer Soldiers \$7,581,200, as proposed by the Senate, instead of \$7,681,200, as proposed by the House; and strikes out House language providing that no part of the appropriation for clothing shall be expended in furnishing other than the regulation Civil War uniform for members who are veterans of the war for the Union.

On No. 47: Strikes out language proposed by the Senate authorizing the Secretary of War to make a final settlement of all the rights and obligations of the United States in respect of the picric acid plant at Little Rock, Ark.

The committee of conference have not agreed upon the following amendments of the Senate:

On No. 1, relating to the pay and allowances of officers of the Army, Navy, or Marine Corps while serving on duty in connection with the coordination of the business of the Government under the supervision of the Director of the Bureau of the Budget.

On No. 7, validating expenditures and obligations heretofore incurred against the appropriation for incidental expenses of the Army for entrance fees of competitors in small-arms competitions.

On No. 9, relating to the sale of the military post at Fort Porter, N. Y., and the appropriation of funds for the construction of barracks and quarters and other buildings to accommodate a battalion of Infantry upon another Government-owned military post.

On No. 17, increasing the appropriation for Chemical Warfare Service by \$25,000, and authorizing the use of that amount for completing agricultural experiments in exterminating the cotton boll weevil.

On No. 29, making the 1926 appropriation for arming, equipping, and training the National Guard available until December 31, 1926, and making the 1925 appropriation available until December 31, 1925.

On No. 42, authorizing the use of \$40,000 from the appropriation for flood control, Mississippi River, for revetting and protecting the yards of the barge line at Memphis, Tenn.

D. R. ANTHONY, Jr.,  
L. J. DICKINSON,  
BEN JOHNSON,

*Managers on the part of the House.*

Mr. ANTHONY. Mr. Speaker, this is the bill carrying the appropriations for the War Department for the next fiscal year, and as it comes back to the House from the Senate it represents an increase of only \$102,921 over the figures of the House. There are no important changes in regular items of the bill since it left the House, and it comes back with your conferees in almost complete agreement with the Senate. There is but one provision that is in complete disagreement, and there are four or five other provisions that are in technical disagreement and which will be submitted under the rules of the House to a vote of the House after the conference report is adopted.

Mr. HULL of Iowa. Mr. Speaker, will the gentleman yield?  
Mr. ANTHONY. Yes.

Mr. HULL of Iowa. When the bill passed the House the appropriation for the National Guard, in the opinion of many

of us, was deficient. Has the appropriation for the National Guard been changed at all?

Mr. ANTHONY. Yes; as the gentleman knows, the House committee increased this appropriation \$1,500,000 over the figures of the Budget, and since the bill has gone to the Senate the Senate has increased some of the other items of the National Guard appropriations by about \$250,000 to balance up the increases which were made by the House on the two principal items of camps of instruction and armory drill pay.

Mr. HULL of Iowa. That is over the amount as it passed the House.

Mr. ANTHONY. Yes.

Mr. HULL of Iowa. How many will that permit in the National Guard?

Mr. ANTHONY. Under the figures now in the bill and with the increases made by the Senate, it is hoped to maintain a guard of 196,000 men during the next fiscal year. Under the House figures we thought that we could maintain a force of 190,000 men and perhaps a few more, but under the Senate figures the statisticians think we can maintain 196,000 men.

Mr. HULL of Iowa. Has the pay of officers of the National Guard been changed at all?

Mr. ANTHONY. Not at all. As the gentleman knows, the Senate passed an amendment to the bill which would take away certain rental allowances both to the guard and to the reserve. The amendment was not without merit. In fact, there were valid arguments in justification, but in view of the legislative character of this amendment it was the feeling on the part of the House conferees that any change in this regard should come through the legislative channels, and the Senate amendment is eliminated in this report.

Mr. HULL of Iowa. Has the amount been changed at all that was given to the Officers' Reserve Corps when it passed the House? The gentleman will remember that we increased the amount.

Mr. ANTHONY. Yes, there has been some change. As the gentleman also knows, the Senate planned to take away the rental allowance that now accrues to reserve officers. They proposed to use that amount of money, about \$500,000, more or less, in training an increased number of officers, and under the Senate provisions would have trained 21,000 officers; but due to the legislative character of that amendment the House felt itself unable to agree to it, and under the amount for training the reserves as now in the bill, it is figured we will train 16,500 for the 15-day period, and we will train 650 for a longer period than 15 days, which represents an increase of about 1,800 more than would have been trained by the original Budget figures.

Mr. HULL of Iowa. Then the total amount that was given to the guard in the House bill has not been lowered.

Mr. ANTHONY. No; it has been increased about \$275,000.

Mr. SPEAKS. It meets the views of the National Guard representatives?

Mr. ANTHONY. It should meet their views. They were heard by the conference committee.

Mr. HULL of Iowa. The civilian military training was increased also in the House and I am wondering whether the amount we gave them has been retained.

Mr. ANTHONY. The House figures have not been changed.

Mr. HULL of Iowa. They are the same?

Mr. ANTHONY. Exactly the same. In the reserve items there is about \$5,000 less in money in the conference report than when it left the House.

Mr. HULL of Iowa. We are having before our committee some very interesting hearings in regard to a United Air Service, and the question of bombing ships has come up. I am wondering whether in this bill any provision has been made for any additional tests to be made by the Air Service?

Mr. ANTHONY. The provision that your committee placed in the bill and which was approved by the House, which gives authority to continue the bombing experiments, will provide for a test during the coming year of bombing a ship actually in motion, under full steam. A year or two ago, as the gentleman knows, our committee provided that \$50,000 might be used for what was the first test of bombing a ship of war from the air. That test was carried out on ships that were anchored, and it was developed that it was comparatively easy for an airplane to hit one of these ships of war at anchor and to demolish it with large bombs. The question now comes up whether the airplane possesses sufficient accuracy to bomb a ship in motion under full head of steam, and under the provisions of this bill, where we provide the use of \$50,000 for

that purpose, it is proposed to take two of the old Shipping Board vessels, now obsolete, and continue those experiments. And in that connection I would say further that we made provision for these experiments last year to prove whether or not General Mitchell's contention before our committee that the airplane could be successfully used for both offense and defense against ships of war was correct, and I think the results of these airplane bombing tests have proven of great value to the country, and have demonstrated that General Mitchell is right in his advocacy of the effectiveness of the airplane against battleships.

In regard to similar testimony before another committee of the House there has been criticism of General Mitchell in some quarters in the last day or two.

I want to say in behalf of the subcommittee that had charge of the War Department appropriation bill that it was General Mitchell who first brought to the attention of our committee in the last two years the fact that it was definitely possible to sink a ship of war by attack from the air, and impressed by his earnestness and enthusiasm we placed the experimental provision in the bill last year, and we have provided for the continuation of the bombing experiments this year. I look upon General Mitchell as a forceful officer who is exceedingly valuable to our military service and one who has been most helpful in the rapid development that has taken place in the last few years in the Army Air Service.

Mr. HULL of Iowa. I am very glad to hear the gentleman say so. I have understood there was some criticism of General Mitchell's testimony before our committee by some of the other committees, and there was some question in regard to it. I think it would be very unfortunate if the War Department should interfere with officers coming before the proper committees and telling the truth as they see it.

Mr. ANTHONY. I agree with the gentleman, and I think the gentleman perhaps knows it is now the policy of perhaps both the Navy Department and War Department to impose some restrictions upon officers giving their views before committees of the House. In other words, they are permitted to give views which have the approval of the department and are in line with approved policies of the department, and we have found it exceedingly difficult at time to get full and free opinion of the officers before us, and our committee feels under the deepest obligations to those officers who have had the courage when requested to give us their real opinion, and General Mitchell is one of them.

Mr. HULL of Iowa. I would like to ask the gentleman one other question. Is there any appropriation in the bill as it is now carried for building large lighter-than-air machines such as the *Shenandoah*?

Mr. ANTHONY. No; there is a restriction on lighter-than-air craft, as the gentleman will find in the bill, and not to exceed \$400,000 can be expended for that purpose, and they will use it only to build the smaller types of dirigibles that are used for training work, spotting artillery fire, and things of that kind, and there will be no large ship of the type the gentleman describes constructed with any of the money in this bill.

Mr. HULL of Iowa. I am glad to hear it.

Mr. BEEDY. Will the gentleman yield for a question?

Mr. ANTHONY. I will.

Mr. BEEDY. As the bill comes out of conference is there a limitation depriving men in the summer encampments of their rentals if they have not served more than 15 days?

Mr. ANTHONY. There is no provision in this bill which will do that. The amendment of the Senate to that effect was not agreed to by the conferees.

Mr. BEEDY. I am glad to hear it.

Mr. DEMPSEY. Will the gentleman permit me to ask if there will be an opportunity to discuss Fort Porter when that item is reached? I would like to have five minutes.

Mr. ANTHONY. I would be glad to yield the gentleman time. It will be submitted to the House in regular order.

Mr. BLANTON. Will the gentleman yield for one question?

Mr. ANTHONY. Yes.

Mr. BLANTON. Did the Senate strike out what is known as the Harry Hull amendment, or is that still in the bill?

Mr. ANTHONY. The gentleman from Iowa is the father of so many amendments I am unable to locate the one the gentleman has in mind.

Mr. BLANTON. His pet.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BLACK of Texas. I notice Senate amendment No. 17 increased the appropriation for the Chemical Warfare Service by \$25,000 and authorizes the use of that amount for complet-

ing the agricultural experiments in exterminating the cotton-boll weevil. The gentleman does not think the War Department ought to enter upon an activity of that kind, does he?

Mr. ANTHONY. We thought so last year and carried an appropriation in the House bill for \$25,000 for that purpose. It was eliminated this year and the Senate amended our bill making this provision to which the House has not agreed. I want to say, if the gentleman will permit an explanation, there has undoubtedly been a great deal of valuable work done by the Chemical Warfare Service along this line with the \$25,000 given a year ago. The idea is to develop a chemical spray which can be distributed by airplane to aid in the extermination of the boll weevil.

Our information is that the Chemical Warfare Service has experimented with nearly a thousand different chemicals or combinations of chemicals, and out of them they have developed a few they believe will have a very effective result, and with this \$25,000 they are going to endeavor to carry on a practical application of this work. As I understand it, the great difficulty is to catch the boll weevil first and get him in a position to put the chemical on him.

Mr. BLACK of Texas. I believe you can kill him all right if you get him in the right place, but the point I have is the Department of Agriculture has a well-developed force that has been conducting experiments for years, and has an annual appropriation for that purpose, with which I am in full sympathy, but we have so much duplication in the departments I think the committee might well be sure as to whether we will not have another duplication which has come in other directions.

Mr. ANTHONY. Our committee thought it had no place in this bill, and that is the reason we leave it for the House to determine.

Mr. BLACK of Texas. If any activities of that kind are to be conducted I think they ought to be in cooperation with the department that is to make them, to-wit the Department of Agriculture.

Mr. HAWLEY. But if the gentleman will permit, the Agricultural Department has no airplanes and no aviators.

Mr. ANTHONY. That is true. They have no great chemical laboratory, while the Army has splendid chemical facilities.

Mr. HAWLEY. And if we turned this work of using spray in airplanes over to the Department of Agriculture we would have to appropriate sufficient money to buy airplanes and train aviators and employ aviators for a service which continues during only a small part of the year.

Mr. WILSON of Louisiana. If the gentleman from Kansas will permit, I would like to make a statement for the information of the House, to the effect that these airplanes which have been used for boll weevil spraying by means of powdered calcium arsenic have proven to be very successful under the auspices of the Department of Agriculture. The department by its work down in Louisiana has furnished very valuable information, showing that they can spray 400 acres or more per hour, as against 40 or 50 acres a day without these airplanes. Where there is a large acreage, as in the case of plantations—it may be over a portion of Texas represented by my friend [Mr. BLACK]—it is found to be a great saving of expense, this dusting of the cotton fields from airplanes with powdered calcium arsenic, and is a saving as compared with the way it is put on by a regular dusting machine.

Mr. BLANTON. Mr. Speaker, will the gentleman from Kansas yield?

Mr. ANTHONY. I yield.

Mr. BLANTON. In reply to the statement of my colleague from Texas [Mr. BLACK], I want to remind him that General Fries, who is at the head of this Chemical Warfare Service, when he comes to our offices every day to ask us to make him a major general, uses that as a stock argument—that he is engaged in destroying the boll weevil—as the basis of getting our votes for his bill.

Mr. ANTHONY. Mr. Speaker, I move the previous question on the conference report.

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield for a moment?

Mr. ANTHONY. Yes.

Mr. CONNALLY of Texas. I understand the conference report rejects the Senate amendment which sought to limit the amount for reserve officers attending camp for less than 15 days?

Mr. ANTHONY. That is correct.

Mr. CONNALLY of Texas. So that if they attend the camp for any period of time they get their allowance?

Mr. ANTHONY. Yes.

Mr. CONNALLY of Texas. And it did not limit the allowance for the citizens' training camp?

Mr. ANTHONY. It did not.

The SPEAKER pro tempore (Mr. LEHLBACH). The gentleman from Kansas moves the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER pro tempore. The Clerk will report the first Senate amendment.

The Clerk read as follows:

Senate amendment No. 1: Page 9, after line 13, insert: "Hereafter no commissioned officer of the Army, Navy, or Marine Corps shall be deprived of his right to pay and allowances while serving on such duty as the President may direct in the coordination of the business of the Government, as now being conducted by him under the general supervision of the Director of the Bureau of the Budget."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur with an amendment, which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Kansas moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. ANTHONY moves that the House recede from its disagreement to the amendment of the Senate No. 1, and agree to the same with an amendment, as follows: At the end of the matter inserted by said amendment change the period to a colon and add the following: "Provided, That the number of officers detailed to this duty shall not at any time exceed 26."

Mr. ANTHONY. Mr. Speaker, this amendment is necessary in order to permit the payment of salaries to officers of the Army and Navy and Marine Corps who are now detailed as coordinators with the Budget Bureau, and the amendment that has been offered limits the number of such officers that may be employed to 26, which I understand is the present number.

It is obvious that this will be a saving to the Treasury, because if these officers who are available are not utilized in this work it will be necessary to organize a civilian force in the Budget Bureau, which will cost us approximately \$164,000 a year.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield for a question?

Mr. ANTHONY. Yes.

Mr. BANKHEAD. When the Army bill was up in Committee of the Whole I proposed an amendment prohibiting the assignment of officers to these civil duties, an amendment which was defeated. If these 26 Army officers who are assigned to the Budget are put back into their posts of duty in the regular line of military duty, would it not make possible, logically, a reduction in the number of officers in the Army and Navy to that amount?

Mr. ANTHONY. Yes; but it is not probable that Congress will make any reduction, and if these officers can be spared from their military duty we are obviously ahead by using them in this manner.

Mr. BANKHEAD. Is it not a fact that there are more officers commissioned in the Army than are absolutely required to perform military duty, and a considerable number are taken from their line of duty and transferred somewhere else?

Mr. ANTHONY. No. Most of our present force of commissioned officers are necessary for military duties, and our officers are working harder to-day and more efficiently, I believe, than ever before.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BLANTON. The trouble with us now is that our Army is top-heavy with officers. The gentleman from Alabama [Mr. BANKHEAD] struck the keynote of the situation. We have over 1,400 officers right now more than we need, and instead of getting rid of them we are trying to find places for them in civil positions. I am not in favor of placing military men in civilian jobs. The first thing we know this Government will be run by military men. The Army is continually coming to Congress for great big sums of money to spend in peace times, during vacations of Congress, and otherwise.

Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HUDSPETH. If the gentleman is correct that we have too many officers, would the gentleman be in favor of abolishing some of these unnecessary officers and furnishing to some of those boys in the camps a chaplain where they are now denied one? This committee will not give them a chaplain down there

on the Rio Grande border, and they have no religious services down there—down there in a God-forsaken country. If the gentleman is correct, then we ought to abolish some of these useless officers.

Mr. BLANTON. My colleague [Mr. HUDSPETH] offered an amendment to give them a chaplain, but the committee would not adopt it. It should have been adopted. We have one chaplain authorized by law now less than those serving, and my colleague rightly tried to get 24 extra ones.

Mr. HUDSPETH. But a point of order was made.

Mr. BLANTON. They will not let you put in an amendment unless it comes from the committee.

These Army officers are to be detailed from their work to these civilian positions. In four years they have got to go back to the Army. That is the law. Then they displace them with other officers. Instead of getting rid of these 1,400 surplus officers, they are trying to find places for them.

Both the Army and Navy are coming here for millions of dollars to spend idly. They are asking right now for a wasteful bill that comes up next Monday. They admit it takes \$44,000,000 from the Treasury, but expert engineers outside of the Army claim it will take \$80,000,000 from the Treasury. Yet that bill will come up for you to vote on next Monday. It is a bill which provides for the spending of the people's money to dam up the Potomac above Washington. These Army officers want something to do; they are idle; they want money to spend. They are not satisfied with their salaries; they are not satisfied with their emoluments of office; they are not satisfied with their allowances; they are not satisfied with their prerogatives; they are not satisfied with their retirement pay, but they want huge sums of money to spend during vacation, and they will get it.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. ANTHONY. Mr. Speaker, I move the previous question on my motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Kansas to recede and concur with an amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 7: On page 22, line 11, after the figures "\$4,100,891," insert a colon and add the following: "Provided, That expenditures heretofore made from, and obligations incurred against, appropriations for incidental expenses of the Army for entrance fees of authorized participants of the Army in small-arms competitions are hereby authorized and validated."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur with an amendment.

The SPEAKER pro tempore. The gentleman from Kansas moves to recede and concur with an amendment which the Clerk will report.

The Clerk read as follows:

Mr. ANTHONY moves to recede and concur in the Senate amendment No. 7 with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "Provided, That expenditures heretofore made from, and obligations incurred against, appropriations for incidental expenses of the Army for entrance fees of Army rifle and pistol teams participating in small-arms competitions are hereby authorized and validated."

Mr. ANTHONY. Mr. Speaker, this amendment is inserted in order to validate payments heretofore made for the entrance fees of these Army rifle and pistol teams and which expenditures have been ruled against by the Comptroller General. So this amendment is necessary in order to validate these payments.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Kansas.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 9: Page 26, after line 15, insert:

"FORT PORTER, N. Y., MILITARY POST OR RESERVATION

"Whenever in the opinion of the President, the lands and improvements or any portion of them of the military post or reservation at Fort Porter, N. Y., are no longer necessary for military purposes, he may, in his discretion, cause to be appraised and sold in one or more parts that portion of such real property to which the United States holds a fee simple title, under such regulations as to public notice and terms and conditions of sale as he may prescribe and the pro-

ceeds to be deposited in the Treasury: *Provided*, That a sum of money, not exceeding the proceeds of such sale or sales is hereby appropriated, out of any money in the Treasury not otherwise appropriated toward the construction of barracks and quarters or other buildings and utilities to accommodate a battalion of Infantry upon another Government-owned military post or reservation: *Provided further*, That the President is authorized to return to the State of New York such portions of the military post at Fort Porter that were originally donated by the State of New York, when in his opinion such land is no longer needed for military purposes."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur in the Senate amendment with an amendment.

The SPEAKER pro tempore. The gentleman from Kansas moves to recede and concur in the Senate amendment with an amendment which the Clerk will report.

The Clerk read as follows:

Mr. ANTHONY moves to recede and concur in Senate amendment No. 9, with an amendment as follows: Strike out all of the matter inserted by said amendment after the word "Treasury," on page 27, in line 2, and insert in lieu thereof the following: "*Provided*, That not exceeding \$400,000 of the proceeds of such sale or sales is hereby appropriated for the construction of barracks and quarters or other buildings and utilities to accommodate a battalion of Infantry upon another Government-owned military post or reservation within the Second Corps Area: *Provided further*, That the provisions of section 1136 of the Revised Statutes shall not apply to the structures authorized herein: *Provided further*, That the President is authorized to reconvey to the State of New York such portions of the military post at Fort Porter that were originally donated by the State of New York when in his opinion such land is no longer needed for military purposes."

Mr. ANTHONY. Mr. Speaker, this provision is intended to relieve an emergency situation at Buffalo, N. Y. Fort Porter is a military post with a reservation consisting of 28 acres entirely located within the city limits of Buffalo, N. Y. It is desired to erect an international bridge there connecting the city of Buffalo with Canada. It has been decided that the bridge must have a 100-foot clearance above the waters of the river in order to permit the passage of shipping. In order to secure a proper landing place on the American side the only available point is at Fort Porter, where there is high ground which would be available for that purpose. An offer has been made by the city of Buffalo to the War Department of \$400,000 for the 8 acres of the reservation which are owned by the United States; the other 18 acres are really owned by the State of New York and were only given to the Federal Government for military purposes, and, of course, when this post is abandoned the land naturally reverts to the State of New York. With the proceeds of the \$400,000 which will come to the War Department by the sale of the 8 acres now owned by the Government authority is contained in this act for the Secretary of War to erect quarters for a battalion of Infantry, the same number of men as are now stationed at Fort Porter, at some other place in the Second Corps Area, which means somewhere in the same neighborhood.

Mr. DEMPSEY. Will the gentleman from Kansas yield?

Mr. ANTHONY. Yes; I yield the gentleman from New York five minutes.

Mr. DEMPSEY. Mr. Speaker and gentlemen, this bill is in accord with the policy of the War Department in two respects. First, this post is in the midst of the city of Buffalo; it is not useful for military purposes and it is difficult to maintain order and discipline on account of its location, so that it is peculiarly disqualified from serving a military purpose. Second, the post is so small that it is impossible to have drills for any considerable number of troops, and it is the training of troops in large bodies that is necessary. So this accords entirely with the plan which the War Department has of assembling troops at strategic points where they are needed and also of assembling them in a sufficient body so that drills may be had on a scale commensurate with fitting them for Army service in case of an emergency.

Let us see what is done. Generally speaking, the purpose of the War Department is to sell lands to municipalities at low figures, and that policy would be followed in this case but for the fact that the Army is facing an emergency. They have not sufficient quarters in which to house their men, and some men are under tents at the present time, so it is absolutely essential that the War Department have funds with which to provide quarters elsewhere if they dispose of quarters here. On that account the Secretary of War is insisting that we shall pay \$400,000, which is a very large sum and a great deal more than this land is worth, but we are willing to pay it because of this fact: The city of Buffalo needs two things. It needs in the first place, and the country needs, closer contact

with its neighbors across the border. We need to cultivate reciprocal and friendly relations, and this will enable us to do that. In the next place, the city of Buffalo needs playgrounds; it needs playgrounds at hand, readily accessible, and this land provides those two merits.

It starts right from the center of the city, and you can reach the open country in the summer time in 15 or 20 minutes. So it is a very unusual and a very remarkable situation, and in view of that the city of Buffalo is willing to pay several times what this land is worth.

Mr. McSWAIN. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. McSWAIN. What evidence is there before the House from disinterested and impartial persons that the 8 acres of land is worth more than the \$400,000?

Mr. DEMPSEY. There is no evidence of that kind, but I will say to the gentleman that the land is situated in my district, and I understand, while it is not taxable, it is assessed, because all land is assessed, and I understand that all of the land is assessed only at \$156,000. I have not examined the tax-assessment rolls, but that I understand to be the fact.

Mr. McSWAIN. Of course the gentleman does not assume that the assessment represents the market value, and is not this the situation—

Mr. DEMPSEY. Wait just a moment on that question. I am a lawyer, and I am litigating that question right along. Assessments in the State of New York do represent practically normal value—market value. Our assessments in the State of New York were down to about 35 per cent 14 or 15 years ago. We have been increasing them steadily until in all the parts of the State that I know about they run from 90 per cent to 100 per cent, and we are striving through our State tax commission to make them absolutely 100 per cent.

Let me go just a little further and state that this land, as the Chairman said, is 28 acres, but the fee of only 8 acres belongs to the United States Government. They have the temporary use only of the balance. My understanding is that the assessment is on the entire 28 acres as well as the buildings. The buildings are old; they are obsolete; they are not in good condition; they are not the kind of buildings the Government ought to have; and I think that the Government is getting three to four times what this land is worth.

I was present at the negotiation with the Secretary, and let me tell you what governed. The value of the land did not govern at all. What the Secretary said was—

It will cost \$500,000 to create new, modern, up-to-date, useful quarters of the kind we need to-day, and we are going to assess you, not what the land is worth, not what this post is worth, but we are going to assess you what it will cost us elsewhere to create an entirely modern, new, and up-to-date, useful fort.

Mr. McSWAIN. Will the gentleman yield further?

Mr. DEMPSEY. Yes.

Mr. McSWAIN. In that I commend the Secretary; but was he not also justified in making the additional argument to you that when the Government parts with its title to the 8 acres it also loses title to the other 18 acres and consequently the Federal Government is losing 26 acres of land? I am satisfied with the explanation of the gentleman.

Mr. DEMPSEY. That is the situation, and I simply want to say in closing that from the Government's standpoint this is highly desirable, and at the same time you are in a position where you are able to confer a great favor on one of the great and growing cities of the country.

Mr. HUDDLESTON. Will the gentleman from Kansas yield?

Mr. ANTHONY. I yield to the gentleman.

Mr. HUDDLESTON. Is this bridge to be built by public authority or by a private corporation?

Mr. ANTHONY. I will ask the gentleman from New York to answer that.

Mr. DEMPSEY. The bridge, if the gentleman from Alabama please, is built by private authority but built under this arrangement. The tolls as they are paid in—and the history of these toll bridges is that they do pay for themselves—are to be applied to obsolescence, and the bridge upon payment of the amount actually expended becomes the property of the State of New York and of the Dominion of Canada, and from that time is to be free from tolls except such as are necessary for maintenance.

Mr. HUDDLESTON. To whom is this land to be conveyed?

Mr. DEMPSEY. To the city of Buffalo.

Mr. HUDDLESTON. One more question, can either of the gentlemen state with a degree of accuracy the defeasible clause in the conveyance by which the State of New York conveyed this land to the United States?

Mr. DEMPSEY. I have not seen it but my understanding is that the conveyance was practically in this language, that it was conveyed to the Government for military purposes, title to revert to the State of New York at such time as it should cease to be used for those purposes.

Mr. HUDDLESTON. Of course, the rights of the Federal Government in the matter depend entirely on the language used in that clause, and no confident action can be taken unless we know accurately what the language is. Everything depends upon the technical language used.

Mr. DEMPSEY. The language is simple—

Mr. HUDDLESTON. Pardon me, we are assuming that as a matter of law the Government has only this right of user with reversion. We are assuming that absolutely. It seems to me that gentlemen who ask us to act on that assumption ought to give us a fair chance to verify it by presenting the identical language used.

Mr. DEMPSEY. Let me suggest to the gentleman that while this was not presented as a question to the Judge Advocate General, there was presented to the Judge Advocate General the question, generally, of what the Secretary of War had the right to do, so that the matter was before him, and it was before him with the understanding that one of the questions involved was that the United States Government had simply a defeasible fee in the 18 acres, and I do not think there is the slightest question or possibility of question about that.

Mr. HUDDLESTON. Has the gentleman from Kansas [Mr. ANTHONY] seen that conveyance?

Mr. ANTHONY. I have not seen the conveyance—

Mr. HUDDLESTON. Has the gentleman read the decision of the Judge Advocate General?

Mr. ANTHONY. I have not seen the conveyance, but I have the personal statement of the Secretary of War, the Senator from New York [Mr. WADSWORTH], and the gentleman from New York [Mr. DEMPSEY] that such is the case.

Mr. HUDDLESTON. Some of us who have some little legal knowledge would feel more competent to form an opinion upon the subject if we could learn the exact language used. It is a highly technical subject. It is one that no lawyer would accept hearsay upon. He would insist, if he had to form an opinion, upon looking at the instrument itself. I confess I am utterly up in the clouds, so far as any action is concerned. If the matter is as stated, one line of action is indicated; but if it should be to the contrary, certainly we would be making a great mistake here to give away 16 acres of land. We are asked to act without any reliable information.

Mr. DEMPSEY. I do not think so.

Mr. HUDDLESTON. The gentleman wants us to take his opinion. Why not give us the language of the conveyance itself. I think my opinion is of some value also, yet I would not ask the House simply to take my say so upon such an important point and let it go at that.

Mr. DEMPSEY. No; but the House, as a rule, would not examine all the documents in any given case.

Mr. HUDDLESTON. The House would make a very serious mistake if it did not rely on first-hand information in forming an opinion upon the proper interpretation of such a contract.

Mr. DEMPSEY. They are getting the very best information they can get.

Mr. HUDDLESTON. Really the gentleman from Kansas [Mr. ANTHONY] can not give us the information.

Mr. DEMPSEY. The gentleman would not discredit any other gentleman.

Mr. HUDDLESTON. The gentleman from Kansas [Mr. ANTHONY] states that he has not seen the conveyance and apparently has seen nobody who has seen it.

Mr. ANTHONY. We relied on the personal statement of the Secretary of War who said that he had investigated it; and of the Senator from New York [Mr. WADSWORTH] who said he had investigated it. In view of the fact that the conveyance is to the city of Buffalo I think it is safe enough.

Mr. HUDDLESTON. I have no doubt that if you will look into it you will find that neither Secretary Weeks nor Senator WADSWORTH has seen the conveyance, and that they like the gentleman from Kansas [Mr. ANTHONY] and the gentleman from New York [Mr. DEMPSEY] are relying on mere hearsay.

Mr. ANTHONY. The Secretary of War has perhaps taken the report of the Judge Advocate General.

Mr. HUDDLESTON. Perhaps so, and if we had the opinion of the Judge Advocate General we would at least have something to rely on. If we had anybody's opinion in a deliberately formed expression quoting the language of the instrument, we would have something to go on, but the gentleman does not

expect us to take his decision as final when it is confessedly based upon a remote sort of hearsay.

Mr. DEMPSEY. Let me make a suggestion?

Mr. HUDDLESTON. I do not want suggestions, I want to know the language of the conveyance. If anybody is in a position to give it let him come on, but if he wants merely to give us his opinion on some construction of what a contract, which he has not seen, means that is of no service.

Mr. DEMPSEY. We are paying more than the land is worth anyway.

Mr. ANTHONY. Mr. Speaker, I move the previous question. The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Kansas to concur in the Senate amendment with an amendment.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 17, page 60, line 4, strike out the figures "\$882,980" and insert: "\$907,980, of which sum not more than \$25,000 may be used in completing agricultural experiments in exterminating the cotton boll weevil."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur in the Senate amendment. As previously stated, this makes \$25,000 available to complete the experiments carried on in the Chemical Warfare Service toward the extermination of the boll weevil.

Mr. BLACK of Texas. Will the gentleman yield me five minutes?

Mr. ANTHONY. I yield five minutes to the gentleman from Texas.

Mr. BLACK of Texas. Mr. Speaker, I want to voice my opposition to the motion of the chairman to concur in this amendment. It provides an appropriation of \$25,000 to enable the War Department to make a fight on the boll weevil. I have heard the soldiers of the Spanish-American War say that in that war they fought nobly and valiantly the mosquitoes in the swamps where they were encamped, but I never heard it suggested until to-day that the War Department should turn its mighty artillery on the boll weevil.

I can imagine under this appropriation one of these handsome, well-groomed officers from the War Department going down into the farming sections of the South with his barbless spurs, with his fine equipment, and some of our horny-handed sons of toil saying, "My young friend, what is your business here in the community?" And I can hear him reply, "I have been detailed down here by the Secretary of War to make a fight upon the boll weevil." Just how this warfare is to be conducted, whether by dropping a charge of T. N. T. upon his defenseless head or filling his eyes with tear gas, I do not know. But, whatever the method, I imagine it will be about as successful as the agent's "fly killer."

A man was going through the country pushing a wheelbarrow full of sand. He was selling it at a penny a bag, telling the people that it was a sure fly killer. One purchaser, a stout old lady, asked him how it was to be used. "First catch a fly," said he. "Tickle it under its chin with a straw, and when it opens its mouth to laugh throw a handful of this famous fly killer down his throat. The result is that the fly is choked and instantly dies."

Perhaps the War Department will use this method in fighting the boll weevil. I don't know. I have not seen its plans and specifications, but, speaking seriously, the House ought to reject this motion without a single dissenting vote. We Members of the House sit here from day to day and criticize the duplication of work that is being practiced in the Departments of the Government, and when we come to trace down the real cause of the duplication the chances are that we will find the Congress itself is responsible. The work is being done under laws and appropriations which we ourselves passed.

I do not oppose, of course, the proper departments of the Government undertaking to find a remedy and means for eradicating this pestiferous insect. The Department of Agriculture has been engaged in activities along that line ever since the boll weevil appeared. It is now doing it. Many thousands of dollars have been expended. Some good results here and there have been obtained. Here we undertake to start the War Department out upon such activities. That is going a little too far for me. I live in the South. I live in a cotton-growing section. I am just as much interested in anything that will give the farmer relief from the boll weevil

ravages as any Member on the floor of the House, but I am not willing to start the War Department on an activity of this kind and squander the people's money even though, for this particular item, it is only \$25,000, and I oppose the motion to concur.

Mr. ANTHONY. Mr. Speaker, I yield two minutes to the gentleman from Louisiana [Mr. WILSON].

Mr. WILSON of Louisiana. Mr. Speaker, I wish to state to my good friend from Texas who describes the Army officer going to cotton fields, that it would be nothing new; that has been going on for a number of years in my State. Demonstrations made in boll-weevil control through the cooperation of the War Department and the Department of Agriculture have been quite successful.

As long as the War Department has the airplane and the flyer, and the Department of Agriculture desires to carry on the experiments, why complain about duplication, when you save the Department of Agriculture the expense of going out and buying the airplane? Why should they not do it, if it saves money and protects the farmer and helps to control the boll weevil?

Mr. BLACK of Texas. Does the gentleman seriously think that the Department of Agriculture is doing a bit of good by the use of these airplanes in trying to eradicate the boll weevil?

Mr. WILSON of Louisiana. I not only think so, but I know it. If the gentleman will visit the Delta Laboratory in my district, I think he would be convinced of that fact.

Mr. ANTHONY. Mr. Speaker, I yield three minutes to the gentleman from South Carolina [Mr. McSWAIN].

Mr. McSWAIN. Mr. Speaker, I would favor this for the reason that it is in line with my theory that the military departments of our executive branches of Government ought to be useful wherever they can be made useful in time of peace. If we did not already have a great merchant marine, I, for one, would be in favor of having the Navy carry goods on suitable ships to open up trade routes; and as to the Army engineers, I would use them to survey roads under the guidance of the Good Roads Bureau. In other words, we have them on the pay roll and we have to pay them and why not use them in peace until we need them for war? [Applause.]

Mr. BLACK of Texas. The gentleman knows that notwithstanding we have them on the pay roll, it is proposed now to add \$25,000 more to the expense to conduct this experiment.

Mr. McSWAIN. I know that; but if we did not authorize them to scatter these gases over the cotton fields they would pour them over the fields of Maryland. They are going to use the gas some way, and if they can find out some sort of gas to kill that pest it will be money well invested, and it is in line with the practical common sense—American—Benjamin Franklin proposition to try to get 100 cents of value out of every dollar that you spend.

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BUCHANAN].

Mr. BUCHANAN. Mr. Speaker and gentlemen of the House, as a member of the subcommittee of the Committee on Appropriations that formulated the agricultural appropriation bill, I hope the House will not vote down this motion and will concur in the motion of the gentleman from Kansas [Mr. ANTHONY]. Last year we appropriated \$25,000 for the cooperation of the Chemical Division of the War Department with the Agricultural Department in trying to evolve a remedy to destroy or control the boll weevil. This \$25,000 will complete that work, and the amendment so reads. It is for the completion of that cooperation between the two departments to try to evolve a remedy out of chemicals or gases to control or destroy the boll weevil. This movement is not to start another independent branch of investigation and research in the War Department. It was merely intended at the commencement, and is intended now for the cooperation of the Chemical Division of the War Department with the Agricultural Department, in evolving a more efficient remedy. When we bear in mind that this insect destroys hundreds and hundreds of millions of dollars worth of cotton every year, what is \$25,000 for cooperation of the Chemical Division of War Department with the Agricultural Department, which may result in a more effective remedy than we have now? It is simply business, and while I regret to differ from the generally sound judgment of my colleague, Mr. BLACK, this is one time, in my judgment, when he is mistaken, perhaps, because of not knowing the object of the appropriation and the good to be accomplished. This is the last appropriation that will be brought in for this purpose and will conclude the experiments commenced last year, and I hope the House will agree to the motion of the gentleman from Kansas.

Mr. ANTHONY. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion to recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 29: Page 73, after line 2, insert:

"The appropriations herein made for 'arming, equipping, and training the National Guard' shall be available until December 31, 1926.

"The unexpended balances of the appropriations for 'arming, equipping, and training the National Guard' for the fiscal year ending June 30, 1925, are continued and made available until December 31, 1925."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur in the Senate amendment. This is necessary because the fiscal year ends on June 30, in the middle of the training period, and it seriously inconveniences the National Guard in the application of the funds we vote for this purpose. We have already given the privilege of continuing the expenditures of funds until the end of the calendar fiscal year to the other training activities carried on by the Army and it should also be given to the guard.

The SPEAKER. The question is on the motion of the gentleman from Kansas to recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 42: Page 97, line 5, after the figures "\$10,000,000," insert a colon and the following: "Provided, That \$40,000, or so much thereof as may be necessary, may be expended in revetting and protecting the yards of the barge line at Memphis, Tenn., in accordance with plans of the chief of barge-line service."

Mr. ANTHONY. Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendment. This provision would take \$40,000 of the funds appropriated in the bill for flood control and use it for the purpose of revetting the banks of the Mississippi River to protect the terminals of the barge lines at Memphis. Your committee felt that these funds were appropriated for the specific purpose of flood control on the Mississippi and that they should be diverted for the protection of the barge-line terminals at Memphis, which are owned by the city of Memphis. It occurred to the committee that perhaps it was necessary that the banks there should be protected and that the barge terminals should be properly protected from the inroads of the river, but we feel that the proper funds to use for that purpose are the funds of the barge line itself, for which large appropriations have recently been made.

I yield five minutes to the gentleman from Louisiana [Mr. WILSON].

Mr. WILSON of Louisiana. Mr. Speaker and gentlemen of the House, in line with what the gentleman from Kansas [Mr. ANTHONY] has said, I want to ask for a division as an instruction to the conferees on this particular Senate amendment, because it endangers the entire policy of Congress in relation to the laws it has enacted for flood control on the Mississippi River from Rock Island, Ill., all the way down to the Gulf.

Mr. MADDEN. The barge-line corporation has been loaned a lot of money to build terminals, and why take money out of this bill now?

Mr. WILSON of Louisiana. I can not understand, I will say to my good friend from Illinois, how it is that we should be asked to adopt an amendment of this character. As the gentleman from Illinois [Mr. MADDEN] suggests, we have spent large sums on terminals for the barge line and, as I am informed, \$450,000 to assist in providing these terminals at Memphis. In enacting the flood control law the Congress said that this money for flood control should be spent upon plans and specifications of the Mississippi River Commission as approved by the Chief of Engineers. Now, this amendment provides that \$40,000 shall be taken and spent on terminals at Memphis, not under the authority designated by the Congress to use money for flood control, but upon the recommendation of the chief of the barge-line service, changing absolutely the terms of that law. Another thing, it is a dangerous precedent. If you take \$40,000 of this money to improve the terminal at Memphis, upon which we have spent some \$450,000 and which is to be owned by the city, they will come from every town and city all the way from Rock Island down asking that we take money that is to be

spent for flood control to improve terminals, build wharves, and so forth, at these various cities and towns. Therefore, Mr. Speaker, I am going to ask that the House vote on this question and that the conferees be instructed further to insist upon the amendment going out.

Mr. ANTHONY. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the motion of the gentleman from Kansas further to insist on its disagreement to Senate amendment No. 42.

The question was taken.

Mr. WILSON of Louisiana. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 115, noes none. So the motion was agreed to.

#### INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11505. The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11505, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11505, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11505) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1926, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

No part of the moneys appropriated or made available by this act for the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall, unless the President shall otherwise direct, be used or expended for the repair or reconditioning of any vessel owned or controlled by the Government if the expense of such repair or reconditioning is in excess of \$50,000, until a reasonable opportunity has been given to the available Government navy yards to estimate upon the cost of such repair or reconditioning if performed by such navy yards within the limit of time within which the work is to be done: *Provided*, That this limitation shall only apply to vessels while in the harbors of the United States, and all expenditures in connection with such work are to be considered in estimating the cost.

Mr. BLANTON. Mr. Chairman, I make the point of order.

Mr. BLAND. Mr. Chairman, I make a point of order.

Mr. LEHLBACH. Mr. Chairman, I make the point of order.

Mr. BLANTON. Mr. Chairman, I make the point of order that it is legislation on an appropriation bill unauthorized by law, and that it is an improper interference with the discretion of executive officers that is given them by law.

Mr. BLAND. Mr. Chairman, I desire to concur in the point of order.

The CHAIRMAN. Does any gentleman wish to discuss the point of order?

Mr. BUTLER. Did not the present occupant of the chair rule on this a year ago?

The CHAIRMAN. The present occupant does not remember whether he did or not.

Mr. BLANTON. It is of no consequence whether he did or not; it is never too late to mend.

Mr. BLAND. Mr. Chairman, the present occupant of the chair passed on an amendment on March 28 of last year, 1924, substantially the same as this amendment. Immediately thereafter a similar amendment was passed on by Mr. CHINDBLOM, and substantially a similar amendment was passed on by Chairman McArthur, on February 26, 1923. Now, if the Chair desires a discussion—

Mr. BANKHEAD. What was the decision of the Chair?

Mr. BLAND. The decision of the Chair was to sustain the point of order. On February 26, 1923, there was an amendment substantially in accord with this amendment, and in discussing the point of order Mr. Hicks said that there was a long line of precedents which held that wherever there is a provision in a bill which compels an executive officer to do certain duties which he is not compelled to do by law previously passed it was subject to a point of order on the ground of legislation on an appropriation bill. Mr. Hicks further said:

I claim that under this amendment offered by the gentleman from Massachusetts [Mr. DALLINGER], while I may be in sympathy with its purpose, it provides that to ascertain these things—

Now I call the attention of the Chair in particular to this— That to ascertain these things the Secretary of the Navy must do certain things.

He must base his action on knowledge obtained, and this requires action and the imposition of new functions and new duties. Therefore, as it imposes upon him certain duties that the law does not now impose upon him, according to the precedents, I think the Chair will have to sustain the point of order.

Chairman McArthur on that occasion said:

This is clearly a limitation as to executive discretion and not a limitation as to an expenditure in the interest of economy. It does not come within the purview of the rule, and the point of order is sustained.

It will be noticed that this particular provision in this bill requires the Shipping Board to do that which under the general law it was not required to do. In other words, it requires them to obtain estimates from the navy yards as to all work costing over \$50,000. And just in line with the contention that was made by the gentleman from New York, Mr. Hicks, it imposes new duties and new functions in obtaining, as he said, new knowledge upon which they are to act.

The question came up again on March 28, 1924, on a substantially similar amendment, and it was contended that the amendment would tie up the discretion of the Secretary of War and that it said to him that he could not buy ordnance anywhere in the world, no matter how much more desirable it might be.

Chairman TILSON ruled and said:

The Chair recalls that on one occasion he ruled that this very same paragraph was in order. Somewhat later one of our distinguished parliamentarians, the gentleman from Oregon, Mr. McArthur, after a carefully prepared decision ruled it out of order, and this was the last ruling on the subject.

The present occupant of the chair is now inclined to believe that the gentleman from Oregon was right and that the present occupant of the chair when he made the other ruling was wrong.

Preferring to be right, rather than consistent, the Chair sustains the point of order made by the gentleman from Kentucky.

On that point of order an appeal was taken from the decision of the Chair and was sustained by a vote of 59 ayes to 3 noes. Later in the day a substantially similar amendment was offered to another point in the bill. In the meantime the gentleman from Illinois [Mr. CHINDBLOM] had been called to the chair. He held that the point of order was good and that the paragraph should go out.

This can not be held to be within the Holman rule, because there is nothing about it that shows that there is a saving of expenditure. So I submit that the point of order should be sustained. [Applause.]

Mr. BLANTON. Mr. Chairman, may I be heard for a moment?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BLANTON. Supplementing what the gentleman from Virginia [Mr. BLAND] has said concerning this amendment, if the Chair should overrule the point of order, it would absolutely destroy the discretion that should be lodged in an executive officer. For instance, suppose this amendment were retained in the bill and the Shipping Board should determine that, among the 297 different ships they are now operating in all the ports of the country, they would have some of the ships reconditioned at a certain port or at some private shipyard at a certain price, and knowing that they could get certain material of the kind they wanted, knowing they could get the kind of work they wanted, they would not be permitted to make such a contract until they had had an estimate made by one of the navy yards, and if the estimate happened to be as low or lower than the private estimate that they had received, they would have to accept it, notwithstanding the fact that the Shipping Board might have reached the conclusion that they could get the ships into better condition and have better work done and better material put into it in private yards, yet under this law that discretion would be destroyed and they would be compelled to have those ships reconditioned in our navy yards. And, remember, that no reliance may be put in navy-yard estimates, as they always cause us finally to pay double the estimate.

The main purpose is to get efficiency in our Shipping Board. The main purpose is to get efficiency in our merchant marine. It is a question of getting economy and the best results; and I take it, if we expect the best results, we ought to give our Shipping Board the same discretion that the head of a private enterprise would enjoy. That is the kind of discretion that an executive department should have.

I do not care whether there are decisions that do not uphold the point of order. The present chairman, as I understand, maintains that no question is ever decided until it is decided right. We want a right decision on that question.

The CHAIRMAN. The Chair is ready to rule. The paragraph on page 27 having been reached and read, the gentleman from Texas [Mr. BLANTON] and the gentleman from New Jersey [Mr. LEHLBACH] and the gentleman from Virginia [Mr. BLAND] have all made a point of order against it. The question now arises as to whether or not the paragraph in the bill against which the point of order has been made is a proper limitation on the appropriation.

The rules of the House provide that no appropriation shall be carried in a general appropriation bill unless the purposes for which such appropriation is made are authorized by law. In other words, it is provided that a general appropriation bill shall not be made the vehicle for carrying legislation. It is a well-recognized rule that an appropriation may be made or refused for any authorized purpose. In other words, an appropriation may be made for any, all, or none of the purposes authorized by law, but the appropriation or the refusal to appropriate may not be used as a means of changing existing law. A limitation may be placed upon an appropriation, but it must be a limitation only and must not in its effect change existing law.

The reason for such restriction upon the character of limitations is a substantial one and must not be lost sight of. It has been said that the reason of the law is the life of the law. It is equally true that the reason of our rule as to limitations is the life of the rule.

In order that the Government may function it is necessary that the great supply bills be passed. The Government can not go on if they fail. Long years of experience has demonstrated that legislation on a supply bill may endanger its passage or approval. It is not fair to the other branch of Congress or to the Executive to create an alternative, necessitating either the acceptance of objectionable legislation or the rejection of a supply bill.

Another reason has recently been added why these limitations and all other matters carrying legislation should be even more carefully scrutinized. The Budget system has been established. As a part of the Budget system all the appropriating jurisdiction of this House has been conferred upon one committee. It is a committee that has no other jurisdiction except to appropriate, and the House should be careful not to confer any further jurisdiction on that committee.

In the final analysis the question is: Does the paragraph carry matter, the effect of which is to change existing law, to make it unlawful to do that which before was lawful, or to make it lawful to do that which before was unlawful? As so well said by the gentleman from Virginia [Mr. BLAND], this prescribes additional duties and new duties for an executive, because the effect of it is to cause him to do things that he is not required by law to do as a part of his duties. The gentleman from Texas [Mr. CONNALLY] in an argument made to you on either this amendment, or one very similar to it, stated the rule as clearly as the Chair is able to state it, or even more so. I cite from the proceedings of January 19, 1923, page 1979. Mr. CONNALLY said:

Now, if the Chair please, my understanding of a limitation of an appropriation is as follows: In the face of a point of order Congress can only appropriate in an appropriation bill for purposes already authorized by law. The Congress can appropriate for all purposes authorized by law or appropriate for none of the purposes authorized by law. Within those limits Congress can limit an appropriation. Congress can say that no part of an appropriation shall be expended for a part of the purposes which the law authorizes. But a limitation must be absolutely negative. It must be in the nature simply of a veto. It can not direct an executive officer in the discharge of his duties under existing law. Whenever it does, it ceases to be a limitation and becomes legislation in violation of the rule.

In passing upon a question quite similar in principle on January 18, 1923, 67th Congress, 4th session, the present occupant of the Chair cited a number of decisions applicable to this case and will not cite them again now. They embody the principle set out in the argument of Mr. CONNALLY just cited.

Applying this principle to the paragraph before us we find that no part of the money appropriated, or made available, shall be used for the purposes mentioned if the expense of such repair or conditioning is in excess of \$50,000. The executive officer must first determine this fact. Perhaps this would not rise to the dignity of a new duty, but it goes further and says that until a reasonable opportunity has been given. He must determine what is a reasonable opportunity and give this rea-

sonable opportunity to the available Government navy yards. He must find out what navy yards are available, if he is able to find out, and give them a reasonable opportunity to estimate upon the cost of the work to be done. It seems clear to the Chair that this is imposing new duties; that it is legislation on a general appropriation bill and is, therefore, repugnant to our rules. The Chair sustains the point of order.

The Clerk read as follows:

#### EMERGENCY SHIPPING FUND

For expenses of the United States Shipping Board Emergency Fleet Corporation during the fiscal year ending June 30, 1926, for administrative purposes, miscellaneous adjustments, losses due to the maintenance and operation of ships, for the repair of ships, and for carrying out the provisions of the merchant marine act, 1920, (a) the amount on hand July 1, 1925, but not in excess of the sums sufficient to cover all obligations incurred prior to July 1, 1925, and then unpaid; (b) \$24,000,000; (c) the amount received during the fiscal year ending June 30, 1926, from the operation of ships: *Provided*, That no part of these sums shall be used for the payment of claims other than those resulting from current operation and maintenance; (d) so much of the total proceeds of all sales pertaining to liquidation received during the fiscal year 1926, but not exceeding \$4,000,000, as is necessary to meet the expenses of liquidation, including also the cost of the tie-up and the salaries and expenses of the personnel directly engaged in liquidation: *Provided*, That no part of this sum shall be used for the payment of claims.

Mr. WOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD: Page 28, after line 21, insert as a new paragraph:

"That portion of the special claims appropriation contained in the independent offices appropriation act for the fiscal year 1923, committed prior to July 1, 1923, and remaining unexpended on June 30, 1925, shall continue available until June 30, 1926, for the same purposes and under the same conditions."

Mr. BLANTON. Mr. Chairman, I reserve a point of order against the amendment.

Mr. BANKHEAD rose.

The CHAIRMAN. The gentleman from Alabama is recognized under the reservation.

Mr. BANKHEAD. Mr. Chairman, I want to make a suggestion to the Chair. This amendment was offered as a new paragraph, but I have a perfecting amendment which I desire to offer.

The CHAIRMAN. The gentleman is not precluded. The gentleman's amendment will take precedence over this amendment.

Mr. BANKHEAD. I offer it now, Mr. Chairman.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BANKHEAD: Page 28, line 10, after the figures "\$24,000,000" insert: "*Provided*, That the sum so appropriated shall not be so used or expended as to result in decreasing either the number of ships now operated or the number of trade routes now in existence and maintained."

Mr. BLANTON. Mr. Chairman, I make a point of order against the amendment on the ground that it is legislation in that it interferes with the proper discretion of an executive of the Government under the present law.

The CHAIRMAN. Does the gentleman from Alabama desire to be heard on the point of order?

Mr. BANKHEAD. Mr. Chairman, I wish to state very frankly to the Chair that inasmuch as that particular point of order has been made against the amendment, I think I have sufficient knowledge of the rulings on those questions to confess that the point of order should be sustained. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The point of order is sustained. The gentleman from Alabama moves to strike out the last word, and is recognized for five minutes.

Mr. BANKHEAD. Mr. Chairman and gentlemen of the committee, at the last session of Congress a select committee was appointed, under a resolution adopted by the House, by the Speaker, providing for an inquiry into the general operations of the affairs of the United States Shipping Board and the Emergency Fleet Corporation. That committee has been very actively and very constantly engaged in the duties of making that investigation up until this time. It has not as yet concluded its investigation, nor has it as yet had an opportunity to make up its report. I want to say that when this report

is printed I think the Members of this House during the recess might find it of great value to them with reference to securing accurate information upon future legislation that will come before the House, affecting the disposition of our mercantile marine.

What I desire to say in connection with the pending legislation is to call to the attention of the House a matter that has already been quite ably argued to you by my colleague, the gentleman from Alabama [Mr. McDUFFIE]. That is the fact that the Government of the United States owns a very large fleet of very fine cargo-carrying vessels and a great number of these splendid ships are at the present time tied up at the docks. Under the conditions of world trade it has not been found possible or expedient to operate more than about one-third of these vessels.

At the present time there are in operation, I believe, less than 300 vessels on all of the existing trade routes, maintained and operated by the Emergency Fleet Corporation under the existing law. The conditions of American trade and the demand for ships to put into private operation have not justified private purchasers to buy any substantial number of these ships now owned by the Government, and the result has necessarily been, as a practical proposition, that the Government itself has continued the operation of what was regarded as the necessary number of ships to maintain to an adequate degree our merchant marine.

I think all thoughtful men recognize the fact that it would be unthinkable for our Government and for our people ever to be again placed in the position we were in at the beginning of the World War, when we had no adequate merchant marine to carry our own commerce. I believe it is the thought of the American people that at all times in the future it is a matter of the utmost importance that the American merchant marine should be preserved and perpetuated up to the extent where our commerce would be carried, or at least a substantial part of it, by ships bearing the American flag.

As I have said, private capital up to this time has only purchased a very few of these ships. Only a small part of the commerce of America under our flag being carried abroad is being carried by privately operated vessels. A substantial part of it is being carried, but Government-operated ships are performing the necessary functions of meeting the requirements of American export commerce by carrying a very large bulk of that commerce under Government operation.

The effect of this limitation, this \$24,000,000 appropriated for the Emergency Fleet Corporation, will be that strictly construed it is the maximum amount of money that the Fleet Corporation can spend in operating American-owned vessels during the next fiscal year. We would not expect Admiral Palmer, who is in charge of the Emergency Fleet Corporation, under the limitations of the Budget system, to create a deficiency in operation by exceeding the amount of this limitation.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BANKHEAD. Mr. Chairman, I ask for five minutes more.

Mr. BLANTON. Mr. Chairman, it is understood I have a reservation against the amendment offered by the gentleman from Indiana [Mr. Wood].

Mr. BANKHEAD. That is understood, of course.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. BANKHEAD. Therefore, if we are to continue the number of existing so-called trade routes now being maintained from the Gulf and the Atlantic and the Pacific coasts to the different sections of the world, and if we are to have a sufficient number of vessels operated by the Government to keep up the requirements of the existing trade routes, that must be done, of course, within the limitations of the appropriation.

What I fear is that we may have for a number of years to continue as a practical and necessary proposition this temporary Government operation of our ships. I think that is inevitable, because there seems to be no disposition on the part of the investing public to buy any substantial number of our vessels to put into private operation. I hope that our foreign trade will expand and continue to increase; and if it does, it certainly will require that we perpetuate the present existing trade routes, because they have, in my opinion, already been reduced to a minimum, and according to all estimates and according to the testimony before our committee it will certainly require at least approximately the number of ships now in operation. I fear that by putting in this limitation of \$24,000,

000 as the maximum amount that can be expended, if it develops that they can not continue to operate the present number of trade routes and the present number of ships, they will reduce not only the number of existing trade routes but the number of ships now in operation, and to that extent absolutely cripple the absolute necessities of our foreign trade.

Mr. McDUFFIE. Will the gentleman yield?

Mr. BANKHEAD. I will be very glad to yield.

Mr. McDUFFIE. Does the gentleman think that Admiral Palmer could continue the trade routes now established, as they should be continued, with this amount of \$24,000,000 by curtailing the personnel rather than the number of ships in service and at the same time provide adequate service?

Mr. BANKHEAD. I think that would be entirely possible. Gentlemen, do you know that at the present time—and these are rather astounding figures—that although we are only operating about 297 cargo vessels, the overhead of the Emergency Fleet Corporation is almost \$7,500,000 per year, and this does not include the crew of the ships nor the forces of the operators? This is the overhead, the administrative overhead, of the Emergency Fleet Corporation. To run 300 ships, there are on the Government pay rolls of the Emergency Fleet Corporation, and some of them drawing salaries twice as much as they ought to receive, over 3,000 Government employees as of January 15. I got the figures from the Emergency Fleet Corporation. There were over 3,000 men and women on the pay roll as an absolute overhead burden upon the operation of 300 ships, and along the very lines suggested by my colleague, the gentleman from Alabama [Mr. McDUFFIE], on this theory of retrenchment and economy, I know of no place in the entire Government service—and I think I know something about the shipping situation—where there is such an ample field for the application of the pruning knife as there is in this salary roll of the Emergency Fleet Corporation. [Applause.]

Mr. LEHLBACH. Mr. Chairman, I rise in opposition to the pro forma amendment. Mr. Chairman, with much that the gentleman from Alabama [Mr. BANKHEAD] has said I am in full accord. I think it is greatly desirable and necessary for the commercial welfare of this country that no trade routes shall be abandoned. However, I do not think that the term "trade routes" and the number of ships in operation are interchangeable as the gentleman from Alabama seems to think. I think, and it is the opinion of those in charge of the operation of the ships, that notwithstanding the reduction in the number of ships operated within the last year or so, the trade routes are served as adequately and as well and more economically and more efficiently than they were with a larger number of ships.

Mr. MORTON D. HULL. What has been the reduction in the number of ships in the last year?

Mr. LEHLBACH. During the last fiscal year there were about 338 cargo vessels operated on an average. Those are the ships in commission. There are now 320, and the intention is to cut them down to 297. I do not think, however, that the number of 297 has yet been reached.

Mr. McDUFFIE. Will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. McDUFFIE. In the 338 vessels mentioned, they were operating additional ships to relieve the congested conditions?

Mr. LEHLBACH. I think they put on additional ships principally for the shipping of wheat from the Gulf regions.

Mr. McDUFFIE. Is it not the intention to cut down the ships to 200?

Mr. LEHLBACH. No; I have heard of no such suggestion and I do not think that would be necessary.

Mr. McDUFFIE. Has not Admiral Palmer said that he has it in mind under the reduction of the appropriation under which he carries on the operation of the 297 vessels, that he hopes to continue to operate as many as 275? It occurs to me that under the amount of money we are providing he is going to be obliged to cut the number of ships in the service below 275.

Mr. WHITE of Maine. Will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. WHITE of Maine. Is not the testimony before the select committee to the effect that during the last year they maintained an average of 338 vessels in the cargo trade and now they are operating 330 to spread over the year and hope to have it down to an average of 297.

Mr. LEHLBACH. That is the testimony and there is no need of any very substantial reduction below that figure. That the reduction of the number of ships does not impair the trade routes is shown by the fact that notwithstanding the larger number of ships operating in the fiscal year before the current year and the fiscal year before that, with a less number of

ships we have got substantially the same amount of business, and that is the test as to the quantity of American cargo carried to and from Europe.

The difference between 1923, 1924, and 1925 in gross volume of business done is not 5 per cent, and certainly we can take care of the business more economically, more efficiently by consolidating the routes and having a smaller number of ships calling at a larger number of ports and making a quicker turn around than for these ships to lose a week or 10 days in which to fill up and then sailing with a half cargo.

Mr. McDUFFIE. The gentleman agrees that with operating a smaller number of ships there should be an opportunity to cut down the personnel?

Mr. LEHLBACH. To show the result of Admiral Palmer's action this year I call attention to the statement of the gentleman from Alabama who said that the pay roll of the Emergency Fleet Corporation was in the neighborhood of \$7,000,000. I do not know in what period that figure was correct, but as a matter of fact to-day the entire overhead of the Emergency Fleet Corporation, including not only the pay roll but also charges for rents, cables, traveling expenses, telegraph, and so forth, is substantially \$5,600,000.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. LEHLBACH. I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BANKHEAD. Will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. BANKHEAD. I will state that the figures I gave the committee were of January 15, 1925, and they were furnished me by a very reliable man who holds an official position in the Shipping Board. So, naturally, there is apparent contradiction between the gentleman from New Jersey's figures and mine.

Mr. LEHLBACH. These figures are incorporated in a letter dated January 31, 1925, which shows that the general overhead of the Emergency Fleet Corporation, including pay roll, salaries, rents, cables, traveling expenses, telegrams, and so forth, is \$5,600,000. Now, it is a fact, gentlemen, that Admiral Palmer in the short time, less than a year that he has been there, up to the time of the hearings which were held in December, had reduced the pay roll of the organization under him by \$700,000 annually, and in the month of January alone made a further reduction of \$100,000 in the annual pay roll of that corporation.

This reduction in appropriation from \$36,000,000 to \$28,000,000 is not going to threaten the efficacy of our fleet at all. The first reduction was from \$50,000,000 to \$36,000,000, a reduction of \$14,000,000, as against the contemplated reduction of \$8,000,000. Briefly, what does Admiral Palmer say of the result of the reduction of \$14,000,000? I quote from the hearings:

Our losses are decreasing. We are operating now to approach the reduced Budget figure. Just the fact of naming that definite reduction of \$14,000,000 has had great value in bringing down the losses. We have reduced considerably, due to consolidations by which we were able to handle the vessels more flexibly so as to cover a number of ports with a less number of vessels.

In other words, because they were compelled to cut down \$14,000,000 they were able to do it without impairing the efficiency of the service, and if they will continue to leave Admiral Palmer alone, they will go down the other \$8,000,000. Of course, if they hamper and interfere with him, he can not do what he is capable of doing if he is left alone.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield again?

Mr. LEHLBACH. Yes.

Mr. McDUFFIE. I do not think anyone has any desire to hamper Admiral Palmer. We commend him for his efforts along that line. The thing we feared was that the Admiral might in his efforts to cut down the expenses of running the Fleet Corporation curtail the service or the actual number of ships rather than curtail the personnel. That is the thing that we fear, and we want to help Admiral Palmer in any way possible. We are not criticizing him for his efforts in that regard. We want the Shipping Board and the Emergency Fleet Corporation to understand that it is not the intention of Congress to curtail the trade routes now established.

Mr. LEHLBACH. And it is not the understanding, as I am informed in all the testimony before us, that a further reduction in the expense of operation or in the loss entailed in moving this cargo will impair the efficacy of any trade route that

has been established or that will be established. In speaking about cutting down the expenses of overhead, there has been a great deal of loose talk about overhead. The overhead, meaning the salaries and other administrative expenses of the Emergency Fleet Corporation, compared with the entire cost of our ship operations, is but 4½ per cent.

Mr. McDUFFIE. I understood, if the gentleman will permit me to again interrupt him, that 20 per cent of the actual losses of the Shipping Board were chargeable to the administrative expenses of operating.

Mr. LEHLBACH. The administrative expenses are \$5,600,000. The entire cost of the operation, of which a good part is returned by the managing operators, runs to such a sum that the \$5,600,000 represents but 4½ per cent. It amounts to 4½ per cent of the volume of business done. Five million six hundred thousand dollars subtracted from the \$36,000,000 will give you the proportion of the losses entailed due to administrative expenses. Losses by reason of operating of ships during the current year amount to \$36,000,000, less \$5,600,000, which is chargeable to administration or overhead, so that this talk about the overhead being a vital factor in the situation is not based upon facts and figures.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. SNELL. I saw a statement in the newspaper the other morning that they were going to advertise all of their ships for sale.

Mr. LEHLBACH. That is a perfunctory performance to meet the provisions of the act of 1920.

Mr. SNELL. Then it does not mean anything?

Mr. LEHLBACH. It means that having advertised the ships for sale and not having received bids as a result of the advertisement, they can then proceed to sell them, using other means of obtaining customers.

The CHAIRMAN. The time of the gentleman from New Jersey has again expired.

Mr. WOOD. Mr. Chairman, I move that all debate upon this paragraph do now close.

The motion was agreed to.

The CHAIRMAN. The gentleman from Alabama withdraws the pro forma amendment and the Clerk will again report the amendment offered by the gentleman from Indiana, Mr. Wood.

The Clerk again reported the Wood amendment.

Mr. BLANTON. Mr. Chairman, I make the point of order that the amendment is legislation unauthorized on an appropriation bill, and also that it is not germane to the preceding paragraph of the bill at the place at which it is offered. I call the attention of the Chair to the fact that in the other appropriation bill which is mentioned it was carried as a rider, unauthorized legislation. There was not any organic law authorizing it, and I think the chairman will agree to that. It has been carried in an appropriation bill, unauthorized by law, but that does not authorize it at this time.

Mr. WOOD. Mr. Chairman, this is not offered as an amendment to the paragraph which precedes it, but it is offered as a separate paragraph. It was thought by the management of the Emergency Fleet Corporation and the Shipping Board that this was continuing the appropriation as the proposed paragraph discloses. It is for the purpose of continuing what remains of the original appropriation of \$50,000,000 that was appropriated in 1923 for the purpose of settling claims. Some of those claims are still outstanding, although not many. We have been trying and the Shipping Board has been trying to close them up as rapidly as possible, and this unexpended balance ought to be continued; but that is not germane so far as the argument is concerned. I call the attention of the Chair to section 9, page 527, United States Statutes at Large, volume 41, which reads as follows:

That the Secretary of any department of the Government of the United States or the United States Shipping Board or the board of trustees of such corporation having control of the possession or operation of any merchant vessel are, and each hereby is, authorized to arbitrate, compromise, or settle any claim in which suits will lie under the provisions of sections 2, 4, 7, and 10 of this act.

Now, that was the original purpose of this appropriation, and, as I say, all of it has been extended in the compromise, settlement, and arbitration of these claims, to the very great advantage of the United States, except about \$4,000,000.

The CHAIRMAN. The Chair understands the gentleman to claim the purpose for which this was originally appropriated was an authorized purpose?

Mr. WOOD. Absolutely.

Mr. BLANTON. Under what law?

The CHAIRMAN. If the Chair can have that matter cleared up—

Mr. BLANTON. I do not agree to that, I do not think the gentleman can show that. This particular language that he read did not authorize the original appropriation.

Mr. WOOD. No; but it did authorize those who were charged with the responsibility of making these settlements to use this money for that purpose, and they have been doing it since 1923.

Mr. BLANTON. But the gentleman will admit, because he is always frank with us, that the original appropriation which he seeks to appropriate, and now make available, had no organic law authorizing it. It did not come under the language the gentleman has read.

Mr. WOOD. My contention is that this appropriation and its continuance is authorized under the very act. The Government said to these people to undertake to arbitrate, compromise, and settle claims. That means that there must be some way of finally effectuating that settlement, and without funds how are you going to do it?

Mr. BLANTON. In regard to the gentleman's contention that this was a new paragraph, I call attention of the Chairman to the precedent cited by the gentleman from Ohio [Mr. LONGWORTH] when he was in the Chair, and several decisions based on his decision, that a paragraph that is offered as a new section to a bill must, for the purpose of debate and all other purposes, be part of the preceding paragraph and germane to it. It must be germane to the preceding paragraph where offered as an amendment from the floor. Where it is brought in from a committee in the bill itself, it comes under a different rule. The committee has a perfect right to put as many unrelated paragraphs as they please in a bill. They need not be related to each other; they may be wholly unrelated if put in the bill under the rules, but the chairman of the committee has no more right from the floor to offer an amendment that is not germane to the preceding paragraph than any other Member. He has the same right after he brings in the bill to offer an amendment from the floor as any Member of the House, but no greater right.

The CHAIRMAN. The Chair is ready to rule. As to the place in the bill to which the new paragraph is offered, it seems to the Chair that this is a proper place to offer this new section. If it is germane to the bill at all, it seems to the Chair that it is germane here, and it is clearly germane to the bill. Being offered as a new paragraph, it is clear to the Chair that it is proper it should be offered here. While a new paragraph is considered in connection with the preceding paragraph for purposes of debate, it does not seem to the Chair that the rule should be carried to the extent of requiring that a new paragraph must be germane to the preceding paragraph. If that were insisted upon, it might be that a paragraph perfectly germane to the purposes of the bill might not be germane to any particular paragraph of the bill. The Chair overrules this point of order.

As to the other point of order, a number of precedents of the House are to the effect that a reappropriation of a sum that is already appropriated for a purpose authorized by law is not subject to a point of order in an appropriation bill; and a reappropriation of a sum required by law to be covered into the Treasury has been held not to be a change of law. The question then resolves itself into whether the original purpose for which this appropriation was made is authorized by law. Turning to subsection C, on page 987 of the Statutes at Large, Sixty-sixth Congress, the merchant marine act, the Chair reads the following:

As soon as practicable after the passage of this act the board shall adjust, settle, and liquidate all matters arising out of or incident to the exercise by or through the President of any of the powers or duties conferred or imposed upon the President by any such act or parts of acts; and for this purpose the board, instead of the President, shall have and exercise any of such powers and duties relating to the determination and payment of just compensation: *Provided*, That any person dissatisfied with any decision of the board shall have the same right to sue the United States as he would have had if the decision had been made by the President of the United States under the acts hereby repealed.

It seems to the Chair that the broad power here conferred for the adjustment and settlement of claims is a sufficient authorization for the original appropriation, and the original appropriation having been authorized, the amendment proposing to reappropriate it is not obnoxious to the rule, and therefore the Chair overrules the point of order.

The question is on the amendment.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman from Indiana tell me how much is involved in this reappropriation?

Mr. WOOD. About \$4,000,000.

Mr. BYRNS of Tennessee. About how many of these claims are there to settle?

Mr. WOOD. There is quite a number of them. I have a statement of them, the total number being 1,674, of which admiralty claims aggregate 1,187. Ten are contract litigations. Then there are 358 legal and 5 operating claims, and others relating to traffic and sales.

Mr. BYRNS of Tennessee. Can the gentleman tell us what the total of them is?

Mr. WOOD. The total is a little over \$196,000,000.

Mr. BYRNS of Tennessee. Does the gentleman expect them to be settled with this \$4,000,000?

Mr. WOOD. We expect to do pretty well. But we have claims pending in our favor aggregating \$137,500,000.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

No part of the sums appropriated in this act shall be used to pay the compensation of any attorney, regular or special, for the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation unless the contract of employment has been approved by the Attorney General of the United States.

Mr. HULL of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HULL of Iowa: Page 29, line 2, after the words "United States," insert "That no part of the moneys appropriated or made available for the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall be used or expended for the construction, purchase, acquirement, repair, or reconditioning of any vessel or part thereof or the machinery or equipment for such vessel from or by any private contractor that at the time of the proposed construction, purchase, acquirement, repair, or reconditioning can be constructed, produced, repaired, or reconditioned within the limit of time within which the work is to be done, in each or any of the navy yards or arsenals of the United States, at an actual expenditure of a sum less than that for which it can be constructed, produced, acquired, repaired, or reconditioned otherwise."

Mr. BLANTON. Mr. Chairman, I make a point of order against that.

Mr. McDUFFIE. And I make a point of order on that.

Mr. BLAND. Mr. Chairman, I make a point of order on that.

Mr. WOOD. I make a point of order, Mr. Chairman.

The CHAIRMAN. A point of order has been made against the amendment by the gentleman from Texas [Mr. BLANTON], the gentleman from Alabama [Mr. McDUFFIE], the gentleman from Virginia [Mr. BLAND], and the gentleman from Indiana [Mr. WOOD].

Mr. BLANTON. I make a point of order against it on the ground that it is legislation unauthorized on an appropriation bill, in that it changes the discretion that the executive of the Shipping Board has now and enjoys by law. It takes away from him that discretion, and to that extent it is legislation.

Mr. BLAND. Mr. Chairman, I want to concur in the statement of the gentleman from Texas, and call attention to this, that this is more nearly the point of order passed on by the present Chairman on March 28, 1924, and by the gentleman from Illinois [Mr. CHINDBLOM] on the amendment offered by Mr. TAYLOR on the same day than the preceding one.

Mr. WOOD. Mr. Chairman, I want to make the further point of order, in addition to that of the gentleman from Texas and that of the gentleman from Virginia, that it is not germane to the paragraph to which it is offered.

The CHAIRMAN. Does the gentleman from Iowa wish to be heard?

Mr. HULL of Iowa. Yes. It comes in properly at this point, where you are placing limitations on the expenditure of money for the Shipping Board and the Emergency Fleet Corporation. I think anyone will admit that.

A close reading of the amendment by anyone who understands the English language will compel him to admit that if it is carried out as it is written it will reduce the expenditures of this Government. You have to read into that something that is not there, if you rule that out of order.

Mr. BLANTON. Mr. Chairman, will the genial gentleman from Iowa yield?

Mr. HULL of Iowa. Not at present. I will when I get through.

This is not legislation. This is identical with an amendment that was introduced by myself on the Army appropriation bill

on February 18, 1919, when that able parliamentarian, Judge Saunders, of Virginia, was in the chair. It was late at night, and Mr. Stafford, of Wisconsin, raised a point of order. I was so confident that it was in order that I submitted it to the Chair without argument, and he ruled it in order, because it would reduce expenditures on the face of it. It was afterwards put on many bills, and in every case it reduced expenditures. It was on the Army bill until the enactment of the reorganization act, and then it was made permanent law. It is in the Army reorganization act, and it has reduced the expenditures in the War Department many millions of dollars.

Now, speaking directly to the point of order, I want to call the attention of the Chair to an identical motion made by the gentleman from Massachusetts [Mr. DALLINGER] on January 27, 1922. His amendment was as follows:

Page 27, line 19, after the figures "\$350,000," insert the following new paragraph:

"No part of the moneys appropriated or made available by this act shall be used or expended for the purchase, acquirement, repair, or reconditioning of any vessel, commodity, article, or thing which at the time of the proposed purchase, acquirement, repair, or reconditioning can be manufactured, produced, repaired, or reconditioned in each or any of the Government navy yards or arsenals of the United States for a sum less than it can be purchased, acquired, repaired, or reconditioned otherwise."

That able parliamentarian from Massachusetts, Mr. Walsh, was in the chair, and a point of order was made against it, and it was argued and ably debated by the gentleman from Indiana [Mr. Wood] and the gentleman from Virginia [Mr. Bland]. I want to read to you some of the arguments in regard to this amendment. I want to call the attention of this House to what that great master of all parliamentarians, Mr. Mann, of Illinois, said on this amendment at that time.

At that time Mr. Mann remarked:

Mr. Chairman, the gentleman from Virginia made a very able argument upon the theory that this amendment is offered under the so-called Holman rule. I do not so understand it. The Holman rule, which is a part of paragraph 2, Rule XXI, is only a provision which affects legislation proposed on an appropriation bill, "nor shall any provision in any such bill or amendment thereto changing existing law be in order" unless so-and-so.

Now listen to Mr. Mann:

The right of Congress to make an appropriation and the right to refuse an appropriation is quite evident. There is no power in the Government which can compel them to make an appropriation; and, having the right to refuse an appropriation, it has always been held that you can make an appropriation with the limitation as to its expenditure. We could make an appropriation to the Shipping Board with the provision that no part of it could be paid to any but red-headed men, if we chose to do so. A man would lose his job if his hair turned gray. We can make an appropriation with any limitation which is not an affirmative change of law. As I heard this amendment read, it is a pure limitation, it seems to me, on the appropriation which can not be expended in a certain way.

Then he goes on and says:

It does not change the merchant marine act at all. It has power to let the contract where it pleases, but it can not spend the money we appropriate except under certain limitations and we have the right to make the limitations.

That is Mr. Mann, of Illinois. I want to call attention to the fact that Mr. Mann was not in favor of this, for he said:

In the first place, we could put a limitation in which would require double the amount of expense, and we sometimes do. As a limitation it does not come within the Holman Rule. If it comes within the Holman Rule, the face of the amendment speaks for itself. It says it can not be expended unless it would cost more than it would in a navy yard. Whether it will cost more may be a matter of speculation, but on the face of the amendment it must cost less in the navy yard.

And then he said:

I am not in favor of the amendment.

That is one of the great parliamentarians of this House and he was not in favor of this amendment, but he was broad minded, he was big, and he knew that this was a pure limitation and that it had a right on an appropriation bill. You can not read that amendment and say it is out of order, because on the face of it, it is in order.

Mr. Walsh was in the chair, and I want to read to you what Mr. Walsh said, and I do not think he was in favor of the amendment, but he was big and broad and he ruled as follows:

The gentleman from Massachusetts [Mr. DALLINGER] offers an amendment which he stated was offered as a limitation, which reads as follows:

Then he read word for word the amendment offered by Mr. DALLINGER, which was practically the amendment I have offered to-day. Mr. Walsh then said:

That is offered to a paragraph, beginning in line 6 and ending in line 19, but it applies to the appropriation made available in the pending bill. It raises a question of fact to be determined by those who make the expenditure at the time of the proposed expenditure for the purchase of a vessel, the acquirement of a vessel, the repair of a vessel, or for the reconditioning of a vessel, or at the time of the purchase of a commodity or other thing, namely, whether, as the amendment states, at the time of the purchase, acquirement, and so forth, the same can be manufactured, produced, repaired, or reconditioned at Government navy yards or arsenals for a less sum. As the gentleman from Illinois [Mr. Mann] well stated, the power of making appropriations rests with the Congress, and it is within the power of Congress in making an appropriation to make such limitations there as are within the rules of the House.

In the judgment of the Chair this does not repeal or modify section 12 of the shipping act, which was brought to the attention of the Chair by the gentleman from Virginia and the gentleman from Indiana. That is still the law, but with reference to appropriations in this act they can not be used, nor can any funds made available by this act be used for these purposes if the expenditure for the same purpose would be less than if made in or paid to a Government navy yard or arsenal.

Now, the precedents in Hinds' are numerous and there are several which hold limitations somewhat similar to this as being not in order. But in many instances where the precedents in Hinds' are adverse to this amendment being within the rule, the amendments have imposed additional duties upon certain Government officials or departments, and have required them to perform functions which are not specifically laid down in the law. In the opinion of the Chair this matter raises a question of fact relative to a proposed expenditure to be determined by the authority making the expenditure, and this can be determined without imposing additional duties or in any way amending the law creating the organization which is to have charge of the expenditure. In the opinion of the Chair this amendment, as proposed by the gentleman from Massachusetts [Mr. DALLINGER], is such a limitation as comes within the rules of the House, and many similar amendments have heretofore been permitted under many precedents in Hinds', and therefore the Chair overrules the point of order.

Now, gentlemen, I could take up a great deal of the time of the House, but that is the last word on this amendment, and it incorporates the views of two of the ablest parliamentarians that were ever in this House.

Mr. WOOD. Mr. Chairman, I do not care to take up the time of the House, but it occurs to me, inasmuch as the Chair has already ruled upon substantially the same proposition heretofore, that it is simply a useless waste of time, but here is a point which I want to make: We sometimes make a mistake in thinking that under the Holman rule an amendment which simply results in reducing expenditures will be in order, but it is not in order even then if it seeks to control the operations of an executive officer.

I want to call the Chair's attention to a very substantial ruling by a man for whom I have a high regard, and for whom I think the Members of this House have a high regard, Mr. Cannon. This decision was with reference to an expenditure concerning the improvement of the Panama Canal, when they tried to direct the operations of those who were in charge of expenditures there.

But there is another rule, another phase of that question. If the limitation, whether it be affirmative or negative, operates to change the law or to enact new law in effect, then it is subject to the rule that prohibits legislation upon a general appropriation bill; and the Chair, in view of the fact that the amendment would impose upon officials new duties as to purchasing canal supplies, has no difficulty in arriving at the conclusion that the instructions are subject to the point of order for the reasons stated.

Applying the same principle, here is a vessel operated by the Emergency Fleet Corporation, 10,000 miles away from a navy yard. If the limitation proposed by the amendment offered by the gentleman from Iowa [Mr. Hull] is adopted, that vessel would have to cast anchor or drift on the sea until they could have an estimate made by a navy yard or someone else.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. HULL of Iowa. That is thoroughly covered by the provision, within the time limit, and the gentleman knows that very well.

Mr. WOOD. The gentleman is now speaking with reference to the virtue of his amendment. To my mind this is a direction to an executive officer. Now, who is going to determine this thing? And I want to call the Chair's attention to this fact: That it is not a limitation upon an expenditure; it may be more or it may be less, and to have the work done in a navy yard might cost more. The fact of the business is that it does cost more as a rule, but that is aside from the question. It is a limitation upon the discretion of the executive officer who has charge of the operation of these matters, and is not recognized under the Holman rule and can not be recognized under the Holman rule unless the two operating together mean a reduction of expenditures.

The CHAIRMAN. The gentleman made another point of order as to the place in the bill to which the amendment was offered. The Chair would like to ask the gentleman whether or not the funds provided for in the preceding paragraph are funds that would be used in reconditioning or doing any of the work called for in the amendment offered by the gentleman from Iowa [Mr. HULL]?

Mr. WOOD. That is the reason I supplemented the point of order made by the gentleman from Texas [Mr. BLANTON]. It does not apply to the paragraph at all where it is now offered.

The CHAIRMAN. In what part of the bill are funds carried which are used for the work that is provided for in the gentleman's amendment?

Mr. BLANTON. In the preceding paragraph to the one to which an amendment was offered by the gentleman from Indiana.

The CHAIRMAN. If, in another section which we have passed, funds are carried which would be used for the purpose indicated in the amendment of the gentleman from Iowa, then the point of order of the gentleman from Indiana would be good.

Mr. BLANTON. Mr. Chairman, will the Chair hear me a moment on one feature?

The CHAIRMAN. The Chair would like to be set straight as to the facts.

Mr. DALLINGER. If the Chair will read the first part of this section, at the end of which this amendment is sought to be put, the Chair will see that this is an appropriation for administrative purposes, miscellaneous adjustments, losses due to maintenance and operation of ships, for the repair of ships, carrying out the provisions of the merchant marine act of 1920, and so forth.

Mr. BLAND. But that paragraph has been passed, if the Chair pleases.

Mr. BLANTON. We have passed that paragraph.

Mr. BLAND. We have gone to another paragraph, and then we adopted an amendment offered by the gentleman from Indiana with regard to certain claims.

The CHAIRMAN. The Clerk will be able to settle this point.

Mr. HULL of Iowa. But I call your attention, Mr. Chairman, to the fact that the bill is putting limitations on that paragraph all through page 29 and is reaching back to the other paragraph, and it is ridiculous to claim that a limitation at this point is not in order. Read the limitations that appear in the bill after that.

Mr. BLANTON. Will the Chair permit me to make one suggestion?

The CHAIRMAN. The Chair will hear the gentleman briefly.

Mr. BLANTON. I hope the Chair will not base his decision on the question of germaneness. It ought to be based on the question of limitation, because we ought to settle that question; and I call the Chair's attention to a decision by the present occupant of the chair where the Chair quoted former Speaker Cannon on the question of limitations, wherein Mr. Speaker Cannon held that whenever you stop an executive from doing something that he could otherwise do by law, or whenever you require an executive to do something which he does not have to do by law, it is not a proper limitation on an appropriation bill.

The CHAIRMAN. The gentleman from Indiana has just referred to the decision of Mr. Speaker Cannon, and the Chair has it in mind. The Chair is now satisfied that so far as the place in the bill is concerned the preceding paragraph is only a limitation of the paragraph preceding it, so that in the judgment of the Chair we have not passed beyond the place where it would be proper to offer this amendment, and therefore overrules this point of order.

As to its coming under the Holman rule, it seems to the Chair that any claim of this kind is based on a contingency entirely too remote or too chimerical to determine whether there will be a saving or a loss under such an arrangement.

Therefore, the Chair will not decide the point of order on the ground of the Holman rule.

There is nothing remaining but the question of limitation. The celebrated and oft-repeated argument of the gentleman from Illinois, Mr. Mann, has been referred to, where he said that an appropriation might be limited to red-headed men. It is a well-recognized parliamentary principle that an appropriation may be limited by indicating the qualifications of the recipients of the appropriation, so the Chair will not take issue with that principle.

This amendment goes very much farther than the qualifications of the beneficiary. Its terms would require additional duties on the part of executive officers. It is, in effect, legislation, and being offered as an amendment to an appropriation bill, is not in order. The Chair, therefore, sustains the point of order.

Mr. McSWAIN and Mr. HULL of Iowa rose.

The CHAIRMAN. For what purpose does the gentleman from Iowa rise?

Mr. HULL of Iowa. Mr. Chairman, I appeal from the decision of the Chair.

Mr. LUCE. Mr. Chairman, I desire to be heard on the appeal.

Mr. BLANTON. Mr. Chairman, I move to lay the appeal on the table.

The CHAIRMAN. That motion is not in order in committee.

Mr. LUCE. Mr. Chairman, I desire to address myself to the appeal.

I have in my hand, Mr. Chairman, a communication that was addressed to all the Members of the House a fortnight ago, on letter paper—

Mr. WINGO. Mr. Chairman, a point of order. Is not an appeal pending?

Mr. LUCE. I am addressing myself to the appeal.

Mr. JONES. Has not a motion to lay that on the table been made?

The CHAIRMAN. That is not in order in committee. The question before the committee is, Shall the decision of the Chair stand as the judgment of the committee? and the gentleman from Iowa has appealed from that decision and the gentleman from Massachusetts is addressing himself to the appeal.

Mr. LUCE. Mr. Chairman, I have in my hand a letter addressed to all the Members of the House on the 19th of January, on the letter paper of the International Association of Machinists, in which I find this paragraph:

Judging by the position the House has taken during this Congress on this species of legislation, we believe that it is the wish of the House that this clause should be adopted; and since this species of language has been declared in order on a number of occasions, we sincerely trust you can see your way clear to not only support the legislation but to sustain an appeal from the decision of the Chair in the event a point of order should be sustained.

My first impulse upon the receipt of this communication, which went to all the Members of the House, was to rise to the question of the privileges of the House, in which case I have little doubt the author would have been brought before the bar of the House and properly dealt with; but on reflection it occurred to me that in all probability he was not conscious of the affront he had given to the honor and the dignity of the House, was not aware of the penalty to which he was exposing himself, and perhaps acted in complete good faith.

We are sitting here as an appellate court, a court to pass upon the correctness of an interpretation of the parliamentary law made by the Presiding Officer of this the most important legislative assembly in the world. Our body of parliamentary law is to-day of more consequence to the welfare and liberties of mankind than any other body of law in existence. We are so familiar with it that we underrate its value. We forget that only by the development of this system of parliamentary law was the creation of republican institutions made possible. It is said that the first national assembly in France failed of its purpose and brought the disaster culminating in the reign of terror through ignorance of parliamentary law. If it be true that the parliamentary law is all important to the safety of the people, then the man who asks us to pervert parliamentary law for the purpose of special advantage and group or individual benefit can commit no offense with more elements of danger to the public welfare.

This man has asked us to cast our votes on this question of the application of law without regard to our judgment of what the law is, in order to carry out his particular view of what is desirable. Let me hope that when the real meaning of such a request is brought to the knowledge of anyone else who believes the Members of this Congress would for the sake of partisan or

factional advantage, or to benefit any group in the community, pervert or flout the law he will not repeat the offense herein embodied.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. BLANTON. I ask that the gentleman's time be extended two minutes. I want to ask him a question.

The CHAIRMAN [Mr. CHINDBLOM]. The gentleman from Texas asks unanimous consent that the time of the gentleman from Massachusetts be extended for two minutes. Is there objection?

Mr. GREEN. Mr. Chairman, is not this debate being addressed to the Chair?

The CHAIRMAN. The Chair will state that Chairman Crisp many years ago laid down the rule that upon an appeal in Committee of the Whole the debate is under the five-minute rule, and the Chair will follow that ruling of Chairman Crisp. Is there objection to the gentleman from Massachusetts proceeding for two minutes?

There was no objection.

Mr. BLANTON. Will the gentleman yield?

Mr. LUCE. I will.

Mr. BLANTON. I am just as strongly against this amendment as is the gentleman or anyone, and I made a point of order against it which the Chair sustained, but that letter which the gentleman has read does not have the effect on me that it seems to on the gentleman. I can not agree with the gentleman that this man has committed such a grave offense. Hardly a day passes that we do not find in our mails just such propaganda. In the last eight years I have received probably a hundred of just such letters from members of organizations telling me how they wanted me to vote on a proposed measure. I do not vote that way unless my judgment warrants it, just because they tell me to; but this man has done no more than other men do; he has asked us to vote a certain way. What crime is there in that?

Mr. LUCE. In my own experience of six years in this House this is the first time I have ever been asked to vote not to sustain the ruling of the Presiding Officer.

Mr. BLANTON. Did not the gentleman during the war get a request to vote against the Cummings work-or-fight amendment, when that was before the country?

Mr. LUCE. I have had numerous requests to vote this way or that on the merits of various matters, but my whole purpose in rising to-day is to point out that here we have a request sent to every Member of the House that he determine his action on an appeal from the ruling of the Chair on the basis of interest and not on the basis of law. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. LUCE. I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman for five minutes more?

There was no objection.

Mr. LUCE. There is another paragraph in this letter which warrants me, I trust, in calling it to the attention of the House. According to it the supposition that this ruling would be made and an appeal would follow is based on the allegation that in recent years the gentleman who has been presiding over the committee, Mr. TILSON, has sustained points of order raised against amendments favored by organized labor, while other Chairmen of the House have overruled the identical points of order under similar circumstances.

This was meant to convey the impression that presiding officers of this body are actuated by personal considerations and by motives of interest. It is an affront to the dignity of the House and it is an insult to the man whom it attacks.

Mr. BLACK of New York. Will the gentleman yield?

Mr. LUCE. Not until I have finished my statement. I feel myself justified in replying to the author of this letter by saying to the House and so through the Record to the public that the man who was here attacked has in his services as Chairman of committees invariably shown complete fairness, complete honesty, complete integrity, and complete loyalty to the law of the House of Representatives. [Applause.] I believe I voice the sentiments of Members on each side of the aisle when I say that an imputation of this sort was absolutely unjustified; that in its defense could not be advanced even a shadow of truth; that it impugned the integrity of one of our most earnest, most honest, most conscientious Members; and that we resent its circulation. [Applause.]

Mr. DALLINGER. Mr. Chairman, I yield to no one in my respect for the gentleman from Connecticut, who has been presiding over this committee, both as a man and as a public servant; but it seems to me that when the House, through a

long line of precedents, by decisions of Chairmen honored by both sides of this House, including the distinguished gentleman from Illinois, Mr. Mann, who for so many years was the Republican leader, and who had the respect and love of every Member with whom he served, and our present Republican leader, the gentleman from Ohio [Mr. LONGWORTH], has repeatedly held that this amendment in precisely this form is in order as a limitation on an appropriation bill under our rules, Members can, without any reflection on the honor of the Chairman of the Committee of the Whole, vote, on an appeal, to overrule his decision.

The gentleman from Massachusetts [Mr. LUCE], my dear friend and colleague, has just called attention to the great heritage of parliamentary law that has come down to us through the generations that have passed, starting in the English House of Commons, in the great struggle to limit the power of the King over the expenditure of public money. In this great representative body the contest has gone on, and these precedents have grown up by ruling after ruling by Chairmen belonging to both parties, and it seems to me that if we care anything at all for the precedents of parliamentary law in this country, we will pause before we overrule distinguished Chairmen of the past simply because of our affection or respect for the present occupant of the chair.

The gentleman from Illinois, Mr. Mann, admittedly the greatest parliamentarian of his time, went into this very question most exhaustively when a similar point of order was raised against an amendment that I offered, which was word for word the same as the amendment now before the House, and his discussion of the whole question of the admissibility of an amendment of this character occupied a page and a half of the CONGRESSIONAL RECORD. He stated to the House that he was opposed to the substance of the amendment and that he would vote against it, but with his wonderful knowledge of parliamentary law and the precedents of the House he pointed out that it was a clear limitation on an appropriation bill and that the House of Representatives had a right to have it discussed and voted on. While he was opposed to the merits of the amendment, he argued most convincingly that it was in order as a limitation.

We all remember the distinguished gentleman from Virginia, Mr. Saunders, one of the best parliamentarians this House has ever had, and I can remember clearly that when he was in the chair and a point of order was raised against a similar amendment, without any argument being made in favor of its being in order, but with a long argument made against its admissibility by the Committee on Appropriations, Chairman Saunders decided that it was clearly in order as a limitation on an appropriation bill.

Mr. Chairman, it seems to me that if we really care for the maintenance of orderly parliamentary procedure in this House we will not be influenced by our feelings in respect to the merits of the proposed amendment. We must consider the future, for it may be, if we sustain the Chair, that our action to-day will come back to plague many Members on both sides, when in the future they desire to offer amendments limiting the executive departments in the expenditure of public money in the interest of the taxpayers of the country.

Mr. WOOD. Mr. Chairman, I move that all debate upon this motion do now close.

The motion was agreed to.

Mr. MORTON D. HULL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MORTON D. HULL. Will it be in order for a better understanding of the ruling of the Chair to have the amendment again reported?

The CHAIRMAN. That can be done by unanimous consent. Mr. GARRETT of Tennessee. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk again reported the amendment.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and on a division (demanded by Mr. DALLINGER) there were—ayes 93, noes 64.

So the decision of the Chair stood as the judgment of the committee.

Mr. TILSON resumed the chair.

Mr. McSWAIN. Mr. Chairman, I ask unanimous consent to proceed out of order for half a minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McSWAIN. Mr. Chairman and gentlemen of the committee, I have the pleasure to announce that we have with us a distinguished visitor, who is in the Members' gallery, seated with the distinguished gentleman from Texas [Mr. CONNALLY]. This gentleman, to show his valor, served with high distinction as a brigadier general in the British forces during the World War; to show his political courage, he ran as a Liberal candidate during the October elections; and to show that he is a man of good judgment, he married an American girl. I refer to Brig. Gen. E. L. Speer, formerly a member of the British House of Commons. [Applause.]

Mr. BLACK of New York. I desire to offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 29, line 2, after the words "United States," insert a new paragraph, to read as follows:

"No part of the moneys appropriated or made available by this act shall be expended in any private shipyard."

Mr. BLAND. Mr. Chairman, I make the point of order.

Mr. BLANTON. Mr. Chairman, I make the point of order it is legislation.

The CHAIRMAN. The point of order is sustained.

Mr. BLACK of New York. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. The gentleman from New York can not seriously claim that his amendment is in order?

Mr. BLACK of New York. I seriously claim that I have offered this amendment in all good intention, and I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman, of course.

Mr. BLACK of New York. Mr. Chairman, my amendment proposes that no part of the money made available by this act shall be used in any private shipyard, and I do this because it is a direct negative. There is nothing about it which is conditional; there is nothing about it which interferes with the discretion; it is a pure nonappropriation. We are either appropriating or we are not appropriating, and I come within clause 2 of Rule XXI, because I am reducing the appropriation, and I am very serious in offering this amendment.

Mr. McDUFFIE. If the gentleman will permit, suppose a ship needs reconditioning 10,000 miles away from the navy yard. What would the chairman of the Shipping Board have to do under that amendment?

Mr. BLACK of New York. I want to say to the gentleman at this time that my amendment has more parliamentary value than political or economical or merchant marine value. I am just discussing the parliamentary value of the amendment at this time.

Mr. McDUFFIE. Yes; but the public has a great deal of money invested in our ships and we are not running them parliamentary.

Mr. BLACK of New York. If we could discuss the merits of the proposition I do not believe for a minute that the Chairman would have ruled against the committee amendment. May I say parenthetically I wish the Chairman of the committee had been as silent in the last campaign as he was to-day when the language was attacked by the gentleman from Virginia.

The CHAIRMAN. The Chair had supposed there were ships being repaired or constructed under the law in private shipyards and to provide that no money shall be used to pay for the things already ordered by law would surely be a change or a breach of contract—

Mr. BLACK of New York. May I ask the Chair in respectful fashion what is before the Chair to indicate that? I think we are confined in a parliamentary way, of course implying all respect, to the face of the amendment and the bill.

The CHAIRMAN. The gentleman is right in his contention. The Chair perhaps in assuming that the law was already being carried out was wrong, but that was the Chair's impression.

Mr. BLANTON. The law is they can be conditioned in private shipyards.

The CHAIRMAN. If it is a limitation—

Mr. BLACK of New York. Is it not perfectly possible for this committee not to appropriate at all or to appropriate half enough?

The CHAIRMAN. The committee can appropriate anything it pleases or strike out the whole appropriation if it so desires.

The Clerk read as follows:

No officer or employee of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall be paid a salary or compensation at a rate per annum in excess of \$10,000, except the following: One at not to exceed \$25,000 and five at not to exceed \$18,000 each.

Mr. WHITE of Kansas. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WHITE of Kansas: Page 29, line 7, after the word "exceed," strike out "\$25,000" and insert "\$15,000."

Mr. WOOD. Mr. Chairman, I move to close debate on this paragraph and all amendments thereto in five minutes.

Mr. BLANTON. That is improper now. I make a point of order, Mr. Chairman, against that motion. There has not been any debate yet.

The CHAIRMAN. The gentleman can not make that motion until there is debate. Does the gentleman from Indiana claim the floor?

Mr. WOOD. No.

The CHAIRMAN. An amendment has been offered.

Mr. WHITE of Kansas. Mr. Chairman, so far as I am personally concerned, I would have been pleased to have seen the gentleman's motion agreed to, for in foreclosing opposition there might be some hope of the success of this amendment.

I listened to the gentleman from Indiana [Mr. WOOD] in his speeches concerning this Shipping Board containing the severest indictments that I have ever heard directed against any Government activity something like five years ago, when he called the attention of the House and of the country to the inefficiency, the lack of system, the extravagance of this board, and he made of me there a stronger economist than I ever had previously been. The circumstances of my childhood and the experiences of my later life have made me an economist through necessity. But now we hear the word on every lip and from every voice, "Economy, economy, economy," from Genesis through Deuteronomy. [Laughter.]

Was it Madame Roland in the bloody days of the French Revolution who cried, "O liberty, what crimes are perpetrated in thy name"? I can not understand why we should pay a subaltern, an employee of the Shipping Board, \$25,000 a year in the interest of "economy." Do we not pay the Chief Justice of the Supreme Court of this country only \$15,000 per annum? We pay the Cabinet members \$12,000 per annum; men who through long experience have achieved efficiency in their particular lines.

Gentlemen may say that there comes a recognition, an honor, a distinction in those lines of service. Oh, well, there come honor and credit and distinction in any line of service if it is faithfully performed. [Applause.]

Now, gentlemen, if time permits, let me say a word in the deepest of seriousness. I never indulge in flattery, and I am incapable of sarcasm. I know the power that the chairman of the subcommittee exercises over this great committee. Why, gentlemen, I believe if he would stand before you to-day and say to you that to-morrow morning at a certain hour and minute and second the sun would rise it would be received as an amazing and impressive piece of information. [Laughter.]

I mean what I say. And if he should go further and say to you in that characteristic way of his, "Gentlemen, to-morrow at 12 o'clock noon the sun will reach its zenith," it would fall on our ears like a fire bell at night, and we would start like a guilty thing upon a fearful summons. [Laughter.]

It is disgraceful to pay such extravagant salaries. I do not believe their payment will add to the efficiency of the public service. Nor do I believe it will impair the efficiency of the public service to cut off this \$10,000. It is a dangerous and a foolish precedent, and it will grow in the common condemnation of the people when they begin to measure the salaries of other employees of this Government by this precedent. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. WOOD. Mr. Chairman, I wish to say just a word with reference to the amendment offered by the gentleman from Kansas [Mr. WHITE].

Mr. WHITE of Kansas. Was the gentleman's unanimous consent request conceded or his motion agreed to?

Mr. WOOD. What was it?

Mr. WHITE of Kansas. That the debate close in five minutes. [Laughter and cries of "Vote!"]

The CHAIRMAN. Does the gentleman from Indiana claim the floor?

Mr. WOOD. Yes; for one moment. With all due respect to the gentleman from Kansas, I know he will gracefully admit that I ought to have a few minutes to answer his castigation of me.

Mr. WHITE of Kansas. It was altogether complimentary, and I am serious; I was never more so in all my life. [Laughter.]

Mr. WOOD. Mr. Chairman and gentlemen of the committee, I have the highest possible regard for the gentleman from Kansas. I do not know whether I have done anything to warrant his criticism of me, but I have done some things I know to be of service to him, and why he should make this criticism of me and inveigh against the admiral who is at the head of this great Shipping Board I do not know.

I am not a \$25,000 man; I do not think the gentleman from Kansas is a \$25,000 man, but there are many \$25,000 men.—

Mr. WHITE of Kansas. Will the gentleman yield?

Mr. WOOD. I do not yield; no. I did not bother the gentleman. [Laughter.] I suspect there are many men whose services would be considered worth \$25,000 a year, and I think the gentleman from Kansas, broad-minded as he is, will agree with me.

I am not here for the purpose of criticizing those who are in favor of limiting these appropriations, but I do think a man is standing in the way of the great advancement of our merchant marine and is standing in the way of the great progress we are making in our trade relations with the world, when he tries to handicap those who have been employed to do this great work by reason of their knowledge, by reason of their services, and by reason of the fact that they are supposed to know what is best to be done with regard to the great shipping interests of this country. Private shipping interests are continually looking for men who can render services that will further the interests they represent, so that they will be worth something to those who are employing them.

The trouble with us has been that because of the fact that we have not long been engaged in the shipping of the world, and knowing not what is involved in that problem or the responsibilities, we have been gauging the responsibilities of the men who are employed in doing that work along the line of our own work and have been comparing their salaries with what we are earning ourselves. I suspect there are many men in this House who could have earned more than \$7,500 a year if they had been engaged in commercial and professional pursuits. I do not know what attracts them here, but perhaps because it is worth while to be a part of the Government of the United States. This Government of ours has been made great and grand by reason of the fact that we have had patriotic men to do the things which have been worth while, but now we are arriving at the commercial period, when all the world is bidding for these men. We have had them taken away from us; we have had them taken away from the Shipping Board; we have had them taken away from the Emergency Fleet Corporation; and I am not going to say I am to be the sole arbiter of the value of these men, even though I believe I am in a position to know better than the gentleman from Kansas with reference to the work that is being done and the value of these services by reason of the evidence that has come before our committee. If we have not a \$25,000 man, we ought to have one, because there are \$50,000 men competing with our \$25,000 man.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas.

The question was taken; and on a division (demanded by Mr. WHITE of Kansas), there were—ayes 39, noes 56.

So the amendment was rejected.

Mr. WHITE of Kansas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WHITE of Kansas: On page 29, line 3, strike out "\$18,000" and insert in lieu thereof "\$12,000."

Mr. WHITE of Kansas. Mr. Chairman, in the obtuseness of my mentality I was not sure whether the gentleman from Indiana [Mr. Wood] was dealing in compliment or in invective when he made his personal reference to myself, and I am not so sure of it yet. I think, though, the gentleman was merely trying to be polite. [Laughter.]

But that is neither here nor there. I was under the misapprehension I was estopped from asking unanimous consent to continue for five minutes additional, and I know that the gentleman had no purpose to so cut me off; but I now say to you in further emphasis of this proposition that we are here setting and following year by year a dangerous and corrupting precedent. I am following in the footsteps of the chairman of this subcommittee. He was one of the first men to raise his voice against the extravagance, the incompetency, and the waste

of this bureau. Gentlemen talk about \$25,000 men. I think there are no abler lawyers, as they go, than there are in this House. I have been associated with them here in legislative affairs for six years; but, gentlemen, is it not still, notwithstanding the fine, keen, incisiveness of the chairman of the subcommittee, a ridiculous and foolish thing to pay these men, whose salaries are covered by this amendment, more than we pay the members of the Cabinet, including the greatest diplomat, we believe, of these days and times, the man who has rendered probably the greatest service to the world in the cause of peace. We pay \$12,000 to each one of the members of the Cabinet and \$15,000, perchance, for all I know, to men who may have graduated, as has often been stated on the floor of this House, from lower positions paying \$2,000 or \$3,000 or \$4,000.

Does the gentleman indicate that these attorneys who are drawing \$18,000 are abler men than the judges of the Supreme Court of the United States, serving for a less salary; abler men than the great jurists serving upon the benches of the courts of the States, drawing salaries of from \$4,000 to \$6,000 or \$8,000 a year?

I understand that in the great and opulent State of Illinois—and if I am in error, correct me—the judges draw \$6,000, and they are men who have served years in preparation for the high positions they fill. Here we are paying \$18,000 a year. Are we going to make it a precedent, are we going to make it the standard to which the observing eyes of all the employees of this Government will be turned? That is the question involved. Besides, it is a direct and inexcusable extravagance, and I hope, gentlemen, that after retaining the great head of this corporation, this \$25,000 man, we may have confidence in his administrative ability, and that he will select and under him there will be in service men who at least will render efficient service and will not draw more money from this Government than the members of the Cabinet and the judges of the Supreme Court.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. WHITE of Kansas. I am glad to yield.

Mr. WILLIAMSON. Does not the gentleman think a distinction should be made between a purely commercial position and a political one?

Mr. WHITE of Kansas. Not in this instance, and I say so for this reason: The chairman of the subcommittee has shown you better than I can, for I have not the expressive phrases that the chairman of the subcommittee employs, that these men are rendering a great public service. It would seem that the eyes of the whole world should be upon the man who is drawing twice as much and a thousand dollars more than a Cabinet officer, and the services they render are public services and the positions they hold are positions of great distinction. [Applause.]

Mr. WOOD. Mr. Chairman, I know that we are in favor of economy. The gentleman from Kansas has given me credit for being his patron saint so far as economy is concerned, but he is now criticizing because of the fact we have proposed a salary of more than \$12,000 a year to some one who is trying to help conduct one of the greatest businesses in the world.

By way of illustration he refers to the fact that Members of the Cabinet are receiving only \$12,000 a year. That is true, there are Members of this House before me now who are paying more for their residence here than their salary amounts to.

Mr. WHITE of Kansas. Will the gentleman yield?

Mr. WOOD. No; I did not bother the gentleman. I think that when Mr. Hughes became Secretary of State he made one of the greatest sacrifices for patriotism that was ever made by a man. [Applause.] He yielded a salary, speculative, of course, but somebody stated that it amounted to more than \$100,000 a year to accept a salary of \$12,000 to aid in making this country what it ought to be.

I think that if we go out into the world and get men that will help make us great on the seas, as great as we once were, no matter what the cost is, no matter whether it is \$10,000 or \$20,000 or \$50,000, the man is worth the price. Take some of our great private concerns; the men at the head are doing things, they make the wheels go round. They are being paid as much as \$100,000 a year. Some of the gentlemen on the Emergency Fleet Corporation have surrendered positions higher in salary for the very purpose of trying to help add something to the greatness of this country.

Mr. WHITE of Kansas. Will the gentleman yield?

Mr. WOOD. Yes; I will yield to the gentleman.

Mr. WHITE of Kansas. Is it not conceded, and has it not been proclaimed in recent days by the very highest authority, that the Government is a training school for employees in industry?

Mr. WOOD. That is true.

Mr. WHITE of Kansas. And the gentleman's theory is not borne out by the policy of the Executive.

Mr. WOOD. If the gentleman will differentiate, as far as the revenue department and other departments are concerned we are preparing men to go out and do better in private employment. But here you must take into consideration this fact, which Congress has not taken into consideration, that we are in a competitive business in maintaining a merchant marine. We are out to compete with the world, with England, that for 200 years was master of the seas. We are competing with Austria, with Italy, with France, and we commenced without a single ship flying the American flag. Now, in that department of education we are novices; we must have somebody instruct us; we must have somebody who will enable us to compete. I do not know whether these men receiving \$18,000 are worth it or not, but we ought to have \$18,000 men. [Applause.]

Mr. LONGWORTH. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed, out of order, for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LONGWORTH. Mr. Chairman, we are nearing the completion of this bill, and I hope that this afternoon we may arrive at the stage of ordering the previous question so that we may vote upon the bill to-morrow. I arise for the purpose of calling attention to a very important vote that will be had on the bill to-morrow. I allude to the amendment offered by the gentleman from Texas [Mr. GARNER] striking out the appropriation for the Tariff Commission. I have known the gentleman from Texas for many years. I regard him as one of the most astute, resourceful politicians of my acquaintance.

Mr. WEFALD. And a statesman?

Mr. LONGWORTH. And a statesman as well. I was alluding for the moment to his political insight, for I fear that my friend's foot slipped on Saturday. The gentleman made a very forceful speech, and he was followed the next day by another of Democracy's great statesmen, who I see taking his seat [Mr. RAINEY], who disagreed with the leadership of his friend from Texas—a most unfortunate leadership I think he described it—and I think he meant more.

Now, it appears from the statement of the gentleman from Illinois that the reason he did not break into the discussion, which took place on Saturday, was that the gentleman from Texas had informed him his amendment was merely pro forma in order to be able to address the House on that subject. But it appears that the gentleman allowed that amendment to stand, possibly intoxicated by the exuberance of his own verbosity. [Laughter.] At any rate he succeeded in placing most of his colleagues on that side of the aisle on record at least informally of knocking out from the bill the entire structure of the Tariff Commission. I say now to my friend very frankly that I was not at all disappointed at the opportunity which will be afforded to-morrow for placing every man in this House on record permanently on a vote to destroy the Tariff Commission. I look forward to the vision of the gentleman from Texas [Mr. GARNER] and some of his colleagues, at least, placing themselves on the formal record to that effect. A mutual friend of ours, whom we both remember with much affection, the late Augustus P. Gardner, of Massachusetts, used to describe the formal roll call of this House as the cold, gray hillside of the yea-and-nay vote. I look forward with anticipation and pleasure to seeing my friend from Texas [Mr. GARNER] lead his followers up that cold, gray hillside, and the gentleman from Illinois [Mr. RAINEY] lead his down that cold, gray hillside. A separate vote will be demanded, I assure the gentleman.

Mr. GARNER of Texas. Mr. Chairman, I ask unanimous consent to proceed for five minutes out of order.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARNER of Texas. Mr. Chairman, as to the differences, if any, that may exist between the gentleman from Illinois [Mr. RAINEY] and myself, let me assure the gentleman from Ohio they will not be discussed by me at this time or at this place, and if they ever be discussed it will be at a more appropriate time, when there is not so much company present. [Laughter and applause.] My idea of any discussion that may occur between the gentleman from Illinois [Mr. RAINEY] and myself is that we should have a select audience present, and no bait that the gentleman from Ohio may throw out to me would ever induce me into an argument with the gentleman from Illinois or any other gentleman on this side in the presence of this company. [Laughter.]

With reference to the Tariff Commission and my position upon it, I think many gentlemen are here to-day who were here the other day when I expressed myself on that subject, and they will recall that I then said, and I am going to repeat it now, that I helped to draw the provisions of the Tariff Commission and was on the committee and supported the Tariff Commission against the leadership of both Democrats and Republicans of this House at that time. I believed in it then, and I believe in it now. I am as strong an advocate of the Tariff Commission as the gentleman from Ohio or any other gentleman in this House who stands for protection, and I think much stronger.

Mr. LONGWORTH. If the gentleman will pardon me, he will recall that I was in favor of the Tariff Commission even as far back as 1910.

Mr. GARNER of Texas. Oh, I remember.

Mr. LONGWORTH. And the gentleman was then very much opposed to it.

Mr. GARNER of Texas. Oh, I beg the gentleman's pardon. I have never been opposed to a tariff commission. I have never been opposed to any system, in a Government bureau or otherwise, which sought to get impartial information for the use of Congress or the Executive on the subject of the tariff, and that is my position now. My position now is what it was then, and it will be the same throughout my service here, and that is this: If you have a commission that will get fair, impartial facts and submit them to the Congress, we ought to have it; but I ask you Democrats this question: If you had submitted to you to-day a proposition to appropriate \$712,000 for a partisan commission, made up of high protectionists—Democrats or Republicans, I care not which—the President to use that partisan commission to get information with which to execute the flexible tariff law, would you appropriate it? Would you create such a commission? I ask the gentleman from Illinois [Mr. RAINEY] if he would create a partisan tariff commission?

Mr. LONGWORTH. Oh, the gentleman promised us that he would not ask the gentleman from Illinois. [Laughter.]

Mr. GARNER of Texas. I ask the gentleman from Illinois, or I ask any gentleman on the Democratic side. I ask the question, if you had it in your power and there was no Tariff Commission existing, would you create a partisan tariff commission to render partisan testimony before the American people in order that the Congress and the President might use it?

Mr. RAINEY. Certainly not, if the gentleman from Texas is addressing his question to me.

Mr. GARNER of Texas. I knew the gentleman would not, and that is the reason I asked him the question. There will be no controversy between the gentleman from Illinois and myself on that subject, and I shall not ask the gentleman any question that will bring on a controversy.

Mr. RAINEY. Oh, the gentleman from Illinois will answer any question that the gentleman puts, whether there is a controversy or not.

Mr. GARNER of Texas. I understand the gentleman, but I am not going to delight my friends on the Republican side with a controversy between myself and the gentleman from Illinois. Here is what we complain of: Appointing Republicans to Democratic places, or the appointment of protectionist Democrats to represent the Democrats, and I said that it was a protest against executive action in appointing high protection Democrats on the Tariff Commission and calling them Democratic representatives. I ask any Democrat here whether he would have appointed Mr. Glassie on this commission, admitted to be a high protectionist by the gentleman from Indiana [Mr. WOOD].

Would you appropriate money to carry a partisan commission as the gentleman from Ohio [Mr. BEGG] and the gentleman from Indiana [Mr. WOOD] and the Executive, himself, says he wants? I am as much in favor of the Tariff Commission as you are, but I want to protest, make a righteous protest, against the action of the Executive in making it partisan in the face of the law. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARNER of Texas. May I have five minutes additional?

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GARNER of Texas. When I vote, gentlemen, to strike out this provision on to-morrow, as the gentleman delights to put me on record, I do not vote against the Tariff Commission. I vote against the appropriation for this year to be used by a partisan President to debauch the commission toward a high protective tariff. I am not repealing the law, I am voting a protest, and I will not only vote a protest, but as long as I

am a Member of the House I will protest by my voice and vote against a President who will deliberately violate the letter and spirit of the law, and that is what this President is doing. Why did not he appoint David Lewis? No longer than in this evening's paper we find the sugar question will not be acted upon by the President. Why? Has there been a single, solitary effort made to reduce the tariff? If I were a protectionist, if I believed in high duties as you do, why I would say the President was appointing the right kind of men from your standpoint, but no honest Republican, no conscientious man, can say that he has the moral right to violate both the letter and the spirit of the law.

Mr. MOORE of Virginia. May I interrupt the gentleman for a minute?

Mr. GARNER of Texas. I yield to the gentleman.

Mr. MOORE of Virginia. I did not vote with my friend the other day, but I do think that the gentleman from Ohio ought to say whether he favors the point of order that was successfully made against the provision in the bill which forbids any member of the commission to act in a case where any of his family has any special, direct, and pecuniary interest, or in which he has been attorney or special representative. That, in my opinion, if I may say so without any personal offense, is a disgusting thing to do—to strike from the bill a provision forbidding a member of the commission from acting in a quasi judicial manner in a case where he is involved pecuniarily or some member of his family is so involved.

Mr. GARNER of Texas. O Mr. Speaker, it is known of all men, and if they do not it is because they do not want to know it, that the present Executive is declining to appoint certain Democrats, I will say, for the reason that he says himself that he wants an opportunity for the commission to go the way he wants it to go.

I make that statement! Somebody deny it. It is a pretty hard statement to make, pretty broad. Now if that is so, gentlemen, if the statement I make is true, and nobody denies it, I ask you in all conscience how can you blame me for voting a protest against it now? I do not vote to destroy the Tariff Commission, the law is on the books, but what I do say is, "Mr. President, you can not have the money to run it with my permission as long as you violate both the letter and the spirit of the law." [Applause.] Is there any gentleman favoring the Tariff Commission going to blame me for that position? You admit the premise that the President wants a partisan commission. Mr. Wood says that is what they ought to do. Mr. BEGG says that is what they ought to do.

I recall, in making up the Tariff Commission, there sits a gentleman who is responsible for there being six members instead of five. It was suggested that we have five tariff commissioners, an uneven number, so that there might be a majority. The argument was made, and it was confessed that this board was to be an impartial board, a nonpartisan board, when JOHN CASEY, who was on the subcommittee, insisted that it should consist of six members, so that neither party would have an advantage. He insisted that it was a wise provision, so that there would be no controversy, there being three "watchers" at the polls, as it were, to ascertain correct facts to give to the country. When you do that, when you administer this board as it was created and intended, I will join you in voting all the money for the board that is necessary; but as long as you admit that you mean to try to make it partisan, that you are going to make it partisan, I will not vote for it, because it is in violation of the spirit of the law.

That is all I care to say. I just want to make it plain that I am not in favor of destroying the commission, but that I am in favor of destroying the opportunity to debauch the commission. [Applause.]

Mr. WOOD. Mr. Chairman, I move that the committee do now rise.

Mr. WHITE of Kansas. Lest we forget, if it is in order, I would like to have my amendment read again. It is either pending or not pending.

The CHAIRMAN. The Chair would like to make a statement. Earlier in the afternoon the gentleman from New York [Mr. BLACK] offered an amendment which he had prepared, evidently, in some haste. It was read by the Clerk with even more haste, and I fear the present occupant of the Chair heard it more hastily still. At any rate, without actual inspection of the amendment, the Chair ruled hurriedly upon it. While the amendment as presented is not strictly in the form of a limitation, and probably would not serve the purpose for which the gentleman from New York offered it, nevertheless, after an actual examination of the amendment the Chair finds nothing in it that in fact contravenes the rules. Therefore the

Chair would like to recall the ruling he made on the subject earlier and again submit the amendment to the committee.

Mr. BLACK of New York. Mr. Chairman, I wish to say that the amendment was drawn rather hurriedly, and my handwriting is at all times poor. I think the Clerk read it correctly. While I was serious a while ago in discussing the issue before the House, I realize that it might contain dynamite, and I am not serious now, and I withdraw it, inasmuch as the Chair is so fair-minded about it. [Applause.]

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The gentleman from Indiana [Mr. WOOD] moves that the committee do now rise. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 11505) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1926, and for other purposes, had come to no resolution thereon.

#### ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 10887. An act granting the consent of Congress to the State of Alabama to construct a bridge across the Coosa River at Gadsden, Etowah County, Ala.;

H. R. 11035. An act granting the consent of Congress to the county of Allegheny and the county of Westmoreland, two of the counties of the State of Pennsylvania, jointly to construct, maintain, and operate a bridge across the Allegheny River at a point approximately 19.1 miles above the mouth of the river, in the counties of Allegheny and Westmoreland, in the State of Pennsylvania; and

H. R. 10413. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Monongahela River, at or near the borough of Wilson, in the county of Allegheny, in the Commonwealth of Pennsylvania," approved February 27, 1919.

#### ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 3132. An act for the relief of the William J. Oliver Manufacturing Co. and William J. Oliver, of Knoxville, Tenn.

#### RECOMMITTAL OF HOUSE JOINT RESOLUTION 319

Mr. LUCE. Mr. Speaker, I ask unanimous consent that H. J. Res. 319—No. 382 on the House Calendar—be recommitted to the Committee on the Library.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

#### ADJOURNMENT

Mr. WOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned until to-morrow, Thursday, February 5, 1925, at 12 o'clock noon.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. YATES: Committee on the Judiciary. H. R. 9811. A bill to amend section 101 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; with an amendment (Rept. No. 1375). Referred to the Committee of the Whole House on the state of the Union.

Mr. HUMPHREYS: Committee on Flood Control. H. R. 11737. A bill authorizing preliminary examinations and surveys of sundry rivers with a view to the control of their floods; with amendments (Rept. No. 1376). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. S. 1042. An act to provide for the establishment of a probation system in

the United States courts, except in the District of Columbia; without amendment (Rept. No. 1377). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 5265. A bill to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation; without amendment (Rept. No. 1380). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 11253. A bill to provide for the appointment of a leader of the Army band; without amendment (Rept. No. 1381). Referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER of Washington: Committee on Naval Affairs. S. 483. An act to correct the status of certain commissioned officers of the Navy appointed thereto pursuant to the provisions of the act of Congress approved June 4, 1920; without amendment (Rept. No. 1382). Referred to the Committee of the Whole House on the state of the Union.

Mr. McFADDEN: Committee on Banking and Currency. H. R. 12000. A bill to amend the agricultural credits act of 1923, approved March 4, 1923; without amendment (Rept. No. 1383). Referred to the Committee of the Whole House on the state of the Union.

Mr. MOORE of Ohio: Committee on the Post Office and Post Roads. H. R. 11444. A bill reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes; with amendments (Rept. No. 1384). Referred to the Committee of the Whole House on the state of the Union.

#### CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (S. 3221) for the relief of employees of the Bureau of Printing and Engraving, who were removed by Executive order of the President dated March 31, 1922; Committee on Banking and Currency discharged, and referred to the Committee on Claims.

A bill (H. R. 11493) granting a pension to David Colfax Osburn; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LAMPERT: A bill (H. R. 12154) to extend the provisions of Title II of the food control and District of Columbia rents act, as amended; to prevent fraudulent transactions respecting real estate; to create a real-estate commission for the District of Columbia; to define, regulate, and license real-estate brokers and real-estate salesmen; to provide a penalty for violations of the provisions hereof, and for other purposes; to the Committee on the District of Columbia.

By Mr. McLEOD: A bill (H. R. 12155) to extend the time for commencing and completing the construction of a bridge across the Detroit River, within or near the city limits of Detroit, Mich.; to the Committee on Interstate and Foreign Commerce.

By Mr. LEAVITT: A bill (H. R. 12156) extending the time for repayment of the revolving fund for the benefit of the Crow Indians; to the Committee on Indian Affairs.

By Mr. WILLIAMS of Michigan: A bill (H. R. 12157) creating a Federal cooperative marketing board to encourage and aid, upon application, in the formation of cooperative marketing associations, cooperative clearing-house associations, and terminal market associations handling agricultural products; to correlate the activities of such associations; to develop efficient and economical methods of distributing and marketing such products; to bring to the aid of such associations the resources of the departments of the Federal Government; and for other purposes; to the Committee on Agriculture.

By Mr. JACOBSTEIN: A bill (H. R. 12158) to amend the immigration act of 1924 giving equal rights to male and female citizens under the act; to the Committee on Immigration and Naturalization.

By Mr. McKENZIE: A bill (H. R. 12159) authorizing the President to transfer any part or the whole of military reservations authorized by Congress to be sold to the control of the Department of Commerce or to the control of any of the departments of the Government, and for other purposes; to the Committee on Military Affairs.

By Mr. KVALE: A bill (H. R. 12160) to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the Norse-American Centennial; to the Committee on Coinage, Weights, and Measures.

By Mr. BECK: A bill (H. R. 12161) to incorporate the United States Agricultural Cooperative Marketing Association, to provide for a national cooperative marketing system and for other purposes; to the Committee on Agriculture.

By Mr. BEEDY: A bill (H. R. 12162) to amend the act for the relief of contractors and subcontractors for the post offices and other buildings, approved August 25, 1919; to the Committee on Public Buildings and Grounds.

By Mr. ZIHLMAN: A bill (H. R. 12163) to permit meetings of societies—benevolent, educational, etc.—organized under the laws of the District of Columbia, to be held outside of said District; to the Committee on the District of Columbia.

By Mr. BRITTEN: A bill (H. R. 12164) amending the act of August 29, 1916, repealing the third proviso of section 5 of the act approved June 4, 1920, amending section 1505, Revised Statutes, and promoting efficiency in the line of the Navy; to the Committee on Naval Affairs.

By Mr. FISH: A bill (H. R. 12165) authorizing the erection of a monument in France to commemorate the valiant services of colored American infantry regiments attached to the French Army; to the Committee on Foreign Affairs.

By Mr. GILLET: Joint resolution (H. J. Res. 342) to authorize the appointment of an additional commissioner on the United States Lexington-Concord Sesquicentennial Commission; to the Committee on the Library.

By Mr. SUMNERS of Texas: Joint resolution (H. J. Res. 343) to create a joint committee from the Senate and House of Representatives to investigate and report as to how the Federal Government may get relief from the overburden of its governmental responsibilities; to the Committee on Rules.

By Mr. KIESS: Resolution (H. Res. 430) to print as a House document 2,000 copies of the Digest and Manual of the Rules and Practices of the House of Representatives; to the Committee on Printing.

By the SPEAKER (by request): Memorial of the Legislature of the State of Minnesota, petitioning the President and the Congress of the United States relative to an increase of duties upon dairy and other agricultural products; to the Committee on Ways and Means.

By Mr. CARTER: Memorial of the Legislature of the State of Oklahoma, favoring the passage by Congress of the Gooding bill; to the Committee on Interstate and Foreign Commerce.

By the SPEAKER (by request): Memorial of the Legislature of the State of New Jersey, requesting the Congress of the United States to enact legislation to prevent lynching; to the Committee on the Judiciary.

Also (by request), memorial of the Legislature of the State of Nevada, recommending J. F. Shaughnessy for appointment as member of Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. KVALE: Memorial of the Legislature of the State of Minnesota, requesting the President and the Congress of the United States to increase the duty on butter and other dairy products and on other agricultural products which are not now adequately protected, and that such action be taken before adjournment of the present session of the Sixty-eighth Congress; to the Committee on Ways and Means.

By Mr. DAVIS of Minnesota: Memorial of the Legislature of the State of Minnesota, petitioning the President and Congress relative to an increase of duties upon dairy and other agricultural products; to the Committee on Ways and Means.

By Mr. RICHARDS: Memorial of the Legislature of the State of Nevada, recommending J. F. Shaughnessy for appointment as a member of Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 12166) granting a pension to George Oscar Flowers; to the Committee on Invalid Pensions.

By Mr. COLE of Ohio: A bill (H. R. 12167) granting an increase of pension to Mary E. Chester; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 12168) granting a pension to Denis Ryan; to the Committee on Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 12169) granting an increase of pension to Sarah J. Stanton; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 12170) granting an increase of pension to Amelia C. Keck; to the Committee on Invalid Pensions.

By Mr. TREADWAY: A bill (H. R. 12171) granting an increase of pension to Nancy M. Moore; to the Committee on Invalid Pensions.

By Mr. WILSON of Indiana: A bill (H. R. 12172) granting an increase of pension to Margaret Hedges; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12173) granting a pension to Didama McCoy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12174) granting an increase of pension to Anna Snurpus; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3649. By Mr. GALLIVAN: Petition of United Building Trades Council, Boston, Mass., protesting against Senate bill 3218, known as the "blue law"; to the Committee on the District of Columbia.

3650. By Mr. O'CONNELL of New York: Petition of the New York State Forestry Association (Inc.), Albany, N. Y., favoring the passage of the game refuge-public shooting grounds bill; to the Committee on Agriculture.

3651. Also, petition of the Munson Steamship Line, favoring the passage of House bill 11957; to the Committee on Foreign Affairs.

3652. By Mr. TEMPLE: Petition of evidence in support of House bill 12073, a bill granting a pension to Maggie E. Anderson, widow of John N. Anderson, late of Company K, Sixth Regiment Pennsylvania Heavy Artillery; to the Committee on Invalid Pensions.

#### SENATE

THURSDAY, February 5, 1925

(Legislative day of Tuesday, February 3, 1925)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

The PRESIDENT pro tempore. As in legislative session, the Senate will receive a message from the House of Representatives.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11248) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate Nos. 17 and 29 to the said bill, and had concurred therein; that the House had receded from its disagreement to the amendments of the Senate Nos. 1, 7, and 9, and had concurred therein severally with an amendment, in which it requested the concurrence of the Senate; and that the House insisted upon its disagreement to the amendment of the Senate No. 42.

#### ENROLLED BILLS

The message further announced that the Speaker of the House had affixed his signature to the following enrolled bills:

H. R. 10413. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Monongahela River, at or near the borough of Wilson, in the county of Allegheny, in the Commonwealth of Pennsylvania," approved February 27, 1919;

H. R. 10887. An act granting the consent of Congress to the State of Alabama to construct a bridge across the Coosa River at Gadsden, Etowah County, Ala.; and

H. R. 11035. An act granting the consent of Congress to the county of Allegheny and the county of Westmoreland, two of the counties of the State of Pennsylvania, jointly to construct, maintain, and operate a bridge across the Allegheny River at a point approximately 19.1 miles above the mouth of the river, in the counties of Allegheny and Westmoreland, in the State of Pennsylvania.

As in legislative session,

#### PETITIONS AND MEMORIALS

Mr. FESS presented resolutions adopted by Robert E. Bentley Post, American Legion, Department of Ohio, at Cincinnati, Ohio, favoring the passage of legislation to remedy for the future the condition of those who volunteer or are drafted to bear arms and are returned to civil life handicapped in the effort to reestablish themselves, etc., which were referred to the Committee on Military Affairs.

Mr. CAPPER presented a memorial of sundry citizens of Harper County, Kans., remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which was referred to the Committee on the District of Columbia.

Mr. WILLIS presented a resolution adopted by the Sixth Annual Ohio Pastors' Convention at Columbus, Ohio, favoring the adhesion of the United States to the Permanent Court of International Justice under the terms of the so-called Harding-Coolidge-Hughes plan, and the adoption of other measures tending toward the making of a warless world, which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Cleveland and Logan Counties, in the State of Ohio, remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which were referred to the Committee on the District of Columbia.

#### REPORTS OF COMMITTEES

Mr. BRUCE, from the Committee on Claims, to which was referred the bill (S. 2454) to extend the benefits of the employers' liability act of September 7, 1916, to Gladys L. Brown, a former employee of the Bureau of Engraving and Printing, Washington, D. C., reported it without amendment and submitted a report (No. 998) thereon.

Mr. SMOOT, from the Committee on Finance, to which was referred the bill (H. R. 10528) to refund taxes paid on distilled spirits in certain cases, reported it without amendment and submitted a report (No. 999) thereon.

Mr. SHIPSTEAD, from the Committee on Foreign Relations, to which was referred the bill (S. 4107) to authorize the President in certain cases to modify visé fees, reported it without amendment.

Mr. BURSUM, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3883) providing for the acquirement by the United States of privately owned lands in San Miguel, Mora, and Taos Counties, N. Mex., within the Mora Grant, and adjoining one or more national forests, by exchanging therefor timber, within the exterior boundaries of any national forest situated within the State of New Mexico or the State of Arizona, reported it without amendment and submitted a report (No. 1000) thereon.

Mr. BROOKHART, from the Committee on Claims, to which was referred the bill (S. 2013) for the relief of Immaculato Carlino, reported it with an amendment and submitted a report (No. 1001) thereon.

He also, from the same committee, to which was referred the bill (S. 2131) for the allowance of certain claims for extra labor above the legal day of eight hours at certain navy yards certified by the Court of Claims, reported it with amendments and submitted a report (No. 1002) thereon.

Mr. STERLING, from the Committee on Post Offices and Post Roads, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3799) authorizing the Postmaster General to permit the use of precanceled stamped envelopes (Rept. No. 1003); and

A bill (S. 3967) to authorize the Postmaster General to rent quarters for postal purposes in certain cases without a formal written contract, and for other purposes (Rept. No. 1004).

Mr. BALL, from the Committee on the District of Columbia, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2264) to authorize the closing of a part of Thirty-fourth Place NW. and to change the permanent system of highways plan of the District of Columbia, and for other purposes (Rept. No. 1005);

A bill (H. R. 8410) to change the name of Third Place NE. to Abbey Place (Rept. No. 1006); and

A bill (S. 4207) to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes (Rept. No. 1007).

Mr. LADD, from the Committee on Public Lands and Surveys, to which were referred the the following bills, reported